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Ravillac Redivivus:
BEING A
NARRATIVE

Of the Late

TRYAL

OF

Mr. James Mitchel

A

Conventicle-Preacher,

Who was Executed the 18th of January, 1677.
for an Attempt which he made on the Sacred Person
of the Arch-Bishop of St. ANDREWS.

To which is Annexed,

An Account of the TRYAL of that most
wicked Pharisee Major THOMAS WEIR, who
was Executed for Adultery, Incest and Bestiality.

In which

Are many Observable Passages, especially relating to the
Church and State of Scotland.

In a Letter from a Scottish to an English Gentleman.

The second Edition very much Augmented and Enlarged.

L O N D O N:

Printed for *Walter Kettilby*, at the *Bishop's Head* in *St. Paul's*
Church-Yard. M. DC. LXXXII.

TO THE R E A D E R.

NO one that has the tenderness and Charity of a Christian, or indeed the Bowels of a man, can think it a subject attended with any delight or satisfaction, to endeavour to expose the faults and rip up the miscarriages of any party of men, much less his Fellow Subjects, who as they are united in one common bond of Allegiance to their Prince, so one would think they should be joyned together with the more obliging tie of love and kindness to one another: that Charity which our Religion has taught us, covers a multitude of sins, should make us willing to connive at and bury in silence those failings, which are the necessary consequences of flesh and blood, and constant companions of Human Nature.

But when the villanies and impieties of men are arrived to that perfection, as to outface the Sun and even exceed belief; When Religion shall be intitled to their ambition and malice; When the extravagancies of an intemperate, misguided and enthusiastical Zeal shall pass for inspirations of the spirit of God; When they are not content to sin alone, but begin to make parties and list themselves under distinct Banners to fight (as they blasphemously speak) for the cause of God and his Christ; No man that has any sense of so horrid a prophanation of Gods sacred name, and his Holy Religion, so open and barefaced a contempt of all Order and Peace; no man that values the Quiet of his Country and the safety of himself, but must think himself under a very great obligation as far as in him lies, to shew the vanity and wickedness of such dangerous and destructive Principles: that must necessarily in the end overthrow all Government and destroy all Human society: he cannot but believe it his Duty to put a stop to such a growing evil; and if those miserable wretches the Professours of this impious doctrine, have their Hearts so hardened and their Consciences so seared, that they have obstinately shut their ears against every thing that may contribute to their conviction, yet still it will be incumbent upon every good man, to step in betwixt the Dead and the living, and endeavour to hinder the contagion to spread any farther and corrupt the whole Mass, by shewing the groundless foundation and pernicious consequences of that damnable Doctrine, which to do, it is enough to relate the wicked Lives and unfortunate Ends of the chief Martyrs and Confessours thereof.

And as this was, I doubt not the main inducement to the Author (whoever he was) of the following Narrative why he published the first edition of it to the world; so this consideration has prevailed with me to present thee (Reader) with this second Impression of it, accompanied with very many, and those no small Additions of several particulars and circumstances, which the former wanted, and which I thought would not be altogether unfit for public Notice; besides that I have added an Appendix wholly my own concerning the Proceedings against my Lord Halton Treasurer Depute, before the Lords of the Articles, which had so necessary a connexion with the Tryal of Mitchel, that I cannot well see how they could have been separated.

And yet these are the least part of these Additions, I intended to make to it, when I first put pen to paper, for the curiosity which the strangeness of the Doctrine and Practises of the Whiggs had given me to inform myself, as far as my Interest and Diligence could carry me, concerning them and their Behaviour, furnished me, with a great many particulars worthy to be exposed to publick view, which made me have some thoughts of prefixing them before the ensuing Discourse; but I soon changed my purpose, when I found them swell to such a bulk that they would of themselves make an intire and just volume, for which reason I thought it more advisable to reserve them for a Discourse by it self to be published hereafter, than to make this swell
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so much beyond proportion, judging it much more convenient for this to come out as it doth, without it.

But however in this place it will be convenient to let the Reader know in short what has happen'd since the first publishing of this Discourse; wherein you will find Mitchel executed for an execrable Attempt to murder that great and worthy Prelate the Arch-Bishop of St. Andrews; who (as the party had before threatned) was afterwards on the 3d. day of May 1679. offered up a breathing sacrifice to the Hellish fury and implacable malice of that faction, for which Mitchel had as they called him, been a Martyr. I shall not trouble my self to give an Account of the circumstances of that most barbarous Murder, since it is so faithfully done already to my hand in The Spirit of Popery, &c. Fol. 55, 56, &c. whither for your farther satisfaction I refer you.

As bloody and horrid an attempt as this was, it was no more than what might rationally be expected from men who sin out of Conscience, and act the greatest villainies as so many Duties of Religion: But here they stopt not; For it was not enough for these sacrilegious wretches of this Enthusiastical and Wicked Faction, thus to provoke the vengeance of Heaven and the Justice of the Nation, but they flew out into the last degree of Extravagance hurried on by the unbridled fury of a false and desperate Zeal, by breaking out upon the 29 of May 1679. into open Rebellion, still pretending to Religion and Divine Authority for their Commission.

And thus this Quiet and harmless People of the West, amongst whom Wicked Ministers at any rate intended to procure a Rebellion (as a worthy Friend of theirs was once pleas'd to say in a very honourable Assembly) fairly unmasked themselves to the shame and confusion of those who had not scrupled before publickly to patronize and defend them, and to the clear justification of the Privy Council, and particularly of the Duke of Lauderdale against all those loud clamours, and complaints, which were made against him for the proceedings against the Western People mentioned in the 30. and 31. pages of the following Narrative, but most especially for tendring the Bond there mentioned to be taken by the Heritors; then it was represented as the most arbitrary, and tyrannical imposition that ever was, to bind Masters of families for their Wives, Children, and Servants, and Landlords for their Tenants and Cottagers, that they should not go to Conventicles. But how reasonable, and necessary it was to do so in that Kingdom, all men may see in that the wisdom of the nation in the late Parliament held under His Royal Highness, His Majesties High Commissioner, hath enacted it as the surest expedient for establishing the peace thereof.

Ravillac

Ravillac Redivivus:
 BEING A
 NARRATIVE
 Of the Late
 T R Y A L
 OF
 M^r. James Mitchel, &c.

SIR,

§. 1. **I** Received your Letter, wherein you charge me with *Unkindness* for having neglected to Write unto you for the last *six Months*; and you also tell me, you cannot imagine what hath made me so silent all this while, that others have sent their Correspondents in *England* so many Letters of *Scotish News*. But what you seem to make an *aggravation* of my fault, I must retort upon you in my own *Defence*, and tell you plainly, that being a Person incapable to write certainties in *State matters*, and too Honest to write *Lies*, I could not prevail with my self to follow the ill Example of many of my *Country-men*, of whom some maliciously wrote their own *Forgeries*, and some out of *weakness* their *Jealousies* and *Fears*; and all pretending to understand not only what *were*, but what *would be* the intrigues of *Haly-rud-House*, filled their *News Letters* with their own *Inventions* instead of *real Truth*.

The Reports which these *Instruments* of mischief sent to *London*, rebounded as quickly hither again, not without a great improvement from that *restless* and *ill-affected* party of men among you, who out of their *inveterate* prejudice to the *Government*, make it their business to mis-represent the *King*, and the *ablest Ministers* he is pleas'd to employ both in *this* and *your Kingdom*; and make no *Conscience* of having recourse to *lies* and *ill-grounded Calumnies* to attain those *pernicious* ends, as in this case they have most *notoriously* done: And truly, considering how *foolishly* some, and *maliciously* others of these *Stories* are contrived, I cannot but sigh for the unhappiness of both my own and your *Country*, where these *coyners* and *dispersers* of false *News*, like the false *Prophets* in the *Kingdom of Israel*, are a *grievous Plague*, and a *National Judgment* to Church and State.

Therefore let me prevail with you for the time to come, to give as little Credit to the *lying Reports* which are sent from *our Country* as I do to those which are sent from *yours*: And that we may both grow *wiser* by other mens *follies*, and take surer measures in our future *Correspondence*, give me leave to propose, that we Write nothing hereafter, but *matters of Fact*, and confine our selves to relate such *Useful* and wor-

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thy contingencies, as might become an *Historian* of his own *Age*. By observing this Rule, we shall keep our selves within the safe bounds of *Prudence* and *Duty*, and profit one another by our mutual *correspondence*, without abusing the *Credulity* of *Vulgar*, or injuring the *Ministers* of *Publick Affairs*.

Wherefore that I may put my own *Advice* in practice, and be a good *Example* to my own *Rule*, the Subject of this *Letter* shall be a Faithful *Narrative* of the *Trial*, *Condemnation*, and *Execution* of one of our *Presbyterian Preachers*, who made an *Attempt* on the *Sacred Person* of the *Arch-Bishop* of *St. Andrews*, in the Month of *July*, 1668. The Story is very *comprehensive*, and will invite me to speak of many *particular* things and *Persons*, and it will be difficult for me to pass through it all without touching a little upon *Publick Affairs*; in doing of which, I shall endeavour to perform the part of a Faithful *Historian* in keeping to my Rule of writing nothing but *matter of Fact*.

The Trial, &c. of James Mitchel, the Subject of the ensuing Discourse.

And that I may be with a greater *clearness*, and for your better *satisfaction* enabled to give you an *Account* of this execrable *Villain*, I think it not altogether inconvenient to premise something touching his *Person*, *Birth*, and *Education*, whereby we may be assisted to give some tolerable *Account* of the inducements which prevailed upon this miserable wretch, to endeavour to commit so *Barbarous* an outrage upon the *Person* of that *Venerable Prelate*, who had deserved no ill from him, and merited to great acknowledgments from all good men for the *Service* he had done his *King*, and his *Countrey*; but his *Character* it seems was a sufficient ground to excite and encourage this Son of *Belial*, and his fellow-Ruffians to thirst after his *Innocent Blood*.

The Description of his Person.

§. 2. James Mitchel, (for that is the Name of this abominable wretch) was a lean, hollow-cheek'd man, of a truculent countenance, and had the air of an *Assassin* as much as a man could have: He came with his *Periwig* powdered to the *Bar*, and behaved himself there with as much *assurance*, as men devoted to do mischief by their *Principles* and *Complexion*, resolve before-hand always to do.

His Birth and Education.

As for his *Original*, 'tis so obscure, that the mean *Proletarian* condition of his *Parents* affords me no notice of his *Birth*. And as for his *Education*, after he had passed through the *Subsidiary* part of *Learning*, he was sent to the *Colledge* of *Edenburgh* in the time of the late *Usurpation*, where he made very small *Progress* in any part of good *literature*, but applied himself to the *Reading* of such silly *Fanatical Books* as were fit for his narrow capacity, and *Enthusiastical temper*; so that the acquired or artificial part of *Fanaticism* (which *Whigs* call *Grace*), being added to his *Nature*, he might qualify himself for *Employment* and *Reputation*, especially amongst the *Remonstrator Presbyterians*, who were then the *Principal* part of the *Kirk*. This *Faction*, especially in the *West*, was advanced so far towards *Enthusiasm*, that they despised and suspected men of *sence*, and began to look upon it as a *stinting the Spirit* to spend any *study* or *time* in preparing themselves to *Preach*: The *People* especially were so possessed with this *Opinion*, that if they came to know that their *Ministers* preconceived, much more *Pen'd* their *Sermons* in their *Studies*, they thought it a sufficient ground of withdrawing from them, as believing it utterly impossible to receive any *Spiritual benefit* from such *Carnal Sermons*, as were Composed by the help of *Study* and *Books*.

His Study of Popular Divinity.

Among these *People* it was that *Mitchel* designed to *Preach* and *Teach*; and therefore after he was graduated *Master* (which is here at the end of four years) he applied himself to the *Study* of *Popular Divinity*, under Mr. *David Dickson*, a great *Apostle* of the *Solemn League and Covenant*, under whom he continued his *Method* of *Reading Modern Fanatical Pamphlets*, that he might be an able *Workman*, and compleatly furnished with all those *Canting* and *affected Phrases*, which discriminate a *Spiritual* from a *Carnal Preacher* among our *Presbyterians*, and are *Musick* and *Charms* to their *Enthusiastical Ears*. And that he might add the *practical* to the *speculative* part of *Fanaticism*, and be perfectly *Master* of his *Trade*, he frequented those *Private Meetings*, where *Conferences*, *Prayers*, and *Sermons* were spoken in that *Dialect*; and where *Tone*, *Grimace*, and *Gesticulations* are far more powerful, than all the true *Learning* and *Eloquence* in the *World*.

Having *Alled* some time in these *Nurseries* of *Enthusiasm*, he thought himself fit for any *Ecclesiastical Employment*, and therefore offered himself to be *tried* by the *Presbytery*

Presbytery of Dalkeith, who rejected him for insufficiency, as some yet alive can testify to the World.

After this Repulse, he began to project some other way of Living, and was shortly after recommended to the Laird of Dundas, to be Pedagogue to his Children, and Domestique Chaplain for saying extemporary Prayers. He passed some time in his Family for a gifted and very Holy Young Man, till some of the Servants observed an extraordinary Familiarity betwixt him and the young Woman who was the Old Gardiner's Wife. Being possessed with this Suspicion, they observed him the more; and one Night, as they were watching, they saw his Mistress going to his Chamber, which was a Summer-House Built on the Garden-wall; the Key, as it happened, was left on the out-side of the Door, which one of those that watched observing, gently locked the Door upon them, and immediately ran to call his Master, who came to the Garden to see what would be the Event. After they had been as long as they pleased together, at last Hortensia comes to go out, who, to her great Confusion, finding the Door locked, steps back to the Adulterer, who fearing that she should be taken with him, immediately let her down the Garden Wall by the help of his Shirt, she hanging at one end, and he holding the other as naked as when he was born: His Patron all this while beheld him like a filthy Priapus upon the Garden Wall, and the next day in great indignation discharged him of his Service and House. I suppose, this is one of his private and particular sins, which you will find him hereafter Confessing in his Speech, deserved a worse Death than he endured.

Afterward he came to Edinburgh, where he lived some years in a Widdows House, called Mrs. Griffald Whitford, who dwelt in the Cow-Gate, and with whom that dishonour of Mankind, Major Weir, of whom I shall hereafter give you an Account, was Boarded at the same time. By his Conversation it may be presumed that Mitchel improved much in the Art of Hypocrisie, and drunk in most deeply those Murderous and Treasonable Principles, which he afterwards practised in the whole course of his Life, and justified at his Death: Now began he to converse with the most bigotted Zelots against Authority; to frequent and hold Conventicles, to Preach up the Covenant, and to the utmost of his Power to promote the Schism which was begun in the Church. By these practices he much endeared himself to his Tutor, Major Weir, who recommended him for a Chaplain to a Fanatical Family, the Lady whereof was Neice to Sir Arch. Johnston, Laird of Wareston, one of the most furious Rebels against the late Blessed King, and greatest compliers with the late Usurpation in the three Kingdoms; and whom you may remember to have been President of the Committee of Safety; for all which accumulated Treasons he was Executed here in 1663.

During his abode in this Family, broke out the Rebellion of the Fanatics in 1666. He no sooner heard of it, but joyned with the Rebels, who were Defeated at Pentland Hills, though Mr. Welsh (as it is reported) during the Fight, prayed with uplifted hands to the Lord of Hosts against Amalek, (as the unclean Spirit within him moved him to mis-call the Royal Forces) and had his Hand stayed up by some of his Brethren, as Moses had his by Aaron and Hur. Mr. Mitchel had the Fortune to escape from the Field, but was afterwards Proclaimed Traytor, with many other Principal Actors in that Rebellion, and afterwards excepted by Name in His Majesties most Gracious Proclamation of Pardon, that he might receive no Benefit thereby. From this time he skulked about, and sheltered himself amongst the Rebellious Saints of the Brotherhood, till the Devil tempted him to Assassine the Lord Primate, for which he expiated by his Blood.

§. 3. And here, notwithstanding by my proposed Method, I ought to proceed to the Narrative of the Barbarous attempt this wretch made upon my Lord Primate; yet I hope you will pardon me, if I neglect that a while, to make a small, but very useful and pertinent digression. Among others of his excellent qualifications, I have told you what an utter Ignoramus he was; and I must here inform you further, that Welsh and Arnott, and all the rest of them are full as illiterate as he; and that their insuperable Ignorance in Divine and Humane Learning, is the Mother of their Murdering Zeal. Indeed all the late Troubles upon the account of Episcopacy, are chiefly to be ascribed to the shameful Ignorance of Protestant Divines in Ecclesiastical Antiquity, who looking no further back into the History of Religion, than the time of the

Rejected by the Presbytery of Dalkeith. Received into the House of the Laird of Dundas; but expelled from thence for being too kind with the Gardiner's Wife.

His coming to Edinburgh. His Acquaintance with Major Weir, &c. His improvement in Hypocrisie and Enthusiasm; and is made Chaplain to the Laird of Wareston.

Engaged in the Rebellion at Pentland-Hills, and Proclaimed Traytor.

A Digression touching the Ignorance of the Whiggs, which is the meer cause of their Bigotry.

the Reformation, and some of them not so far, did either hate *Episcopacy* as an *Usurpation*; or else looked upon it as a meer *Humane Constitution*, and so could not have that particular Veneration for it, that was due to an *Apostolical Ordinance*, so visibly founded in the *Scriptures*, and which was the sole *invariable Government* of Gods *Universal Church* for above 1500 years.

Mr. Henderson
and Mr. Calvin
Examples of
the misfortune
of the want of
skill in Anti-
quity in the
Modern Di-
vines.

Of this that Excellent man, Mr. Henderson, was a deplorable Example; who, though he was a Man of great temper and prudence, and very Learned in his way, yet want of *Antiquity*, of which he was so ignorant, was the unhappy cause why he engaged for the Covenant against the King and the Church: Had he spent but half so many hours in that, as he did in the study of other things, he had never moved so excentrically to the Church, nor done those things for which he expiated with tears before his late Blessed Majesty at Newcastle; afterwards spending the short remainder of his Life in a sorrowful, Penitential Retirement, for which he grew suspected of his Brethren of the Covenant, who called him *Apostate* from the Cause. There are many Persons yet alive who can testify this to be true; which may teach all Divines how dangerous it is for them to Live in Ignorance of Ecclesiastical Antiquity, which is so easily acquired, and so useful to be known. That comprehensive Genius, Mr. Calvin, wanted nothing but this to make him as Orthodox and Consummate Divine as ever was in the Church of God. For had he been but half as well versed in the more Primitive Ecclesiastical Writers, as he was in St. Augustine, he had never coyned

(*) In Defens. lib. de
officio pii viri.

the Notion of a Lay-Elder, Defended the Horrible Decree, or been exposed for so many gross Absurdities by the Excellent Pen of the Pious and Meek Cassander. (*)

But to conclude this Digression with Mr. Henderson, there were very few among our Covenanting Ministers comparable to him for Prudence and Learning; yet even the Lowermost Form of our former Presbyterians were great Men in comparison to these, of the Remonstrator Faction, who are all Burning Zeal, but no Knowledge, as you will perceive not only by the sequel of this Story, but this Letter of an Ignorant Minister that lately Revolted from our Church.

SIR,

The Letter of
an Ignorant
Minister, that
Revolted from
the Church.

I Received your Letter of the 15th. of July, wherein you say, That on the first Wednesday of August, you are to have a Presbytery (you ought to have termed it a Meeting of the Exercise) and on the second Wednesday of August, a Provincial meeting with your Bishop of Rothelay; and once for all I desire you may take this for an absolute Answer. First, That God hath of a long time been dealing with my Conscience, but especially since October last, when I was called to Mul for Electing Mr. Andrew Wood Bishop (I confess his want of the Irish Language did stick with me, besides many other things as well now as before, about the Election of Mr. James Ramsey, and all of you, save one, did then profess, that they did stick with you also, though now you have swallowed down that Pill with many more) and that in such an Extraordinary dreadful, and terrible manner, for my engaging to Prelacy, and a Lordly Government over the Church of Christ (contrary to which there lie so many ties, and obligations on this Land) that with the Grace of God I would not adventure to abide the terror of the Lord for all the stipends and preferments in Europe. And truly the worst I wish to you, or any Prelate in Britain or Ireland, or their adherents is, that they may have as sound a yoking with their Consciences, as I have had, if they be not, incorrigible Enemies of Christ. Next, upon serious search of the Word of God, and of Antiquity, I am the more confirm'd in my Resolution. Blondellus, Salmatius, Gerson, Bucer, yea the whole current of Primitive Fathers, especially Smectymnus, have vindicated Presbytery against the whole World. I want not many more solid Reasons to add, only I suppose You could never be satisfied in them, and therefore I forbear.

To conclude, I do here before God, and the whole World profess my disowning of Lordly Prelacy, as it is now Established in our Land, which I was once most fully engag'd into, and my firm and resolute adherence to the Doctrine, Worship, Discipline, and Government of the Church of Scotland, as it was professed in this Nation, from the year of our Lord 205. and downward for the space of 230 years, and then since the year 1580. till the year 1610. and then from the year 1638. till the year

1661:

1661. and from thence down-wards by many Godly in these three Lands, till this very day is; and more particularly to the point, that Government of Christs Church by an equality, and parity of Pastors, and Ministers, all of them with one shoulder carrying on the work of the Lord, and exercising the Keys of Order, and Jurisdiction, Doctrine and Discipline in Communi, according to due Order, and feeding the flock of God, not as being Lords of Gods Heritage, but ensamples to the flock: Yea, I do here (with all the Lords faithful Servants and Witnesses in these three Lands, both in the present, and some former Generations, and with all the Lords Witnessing, and Suffering Servants and People, that have been, or now are in this Land, or present Generation) confess and bear my Witness, and Testimony, to the cause of God, and work of Reformation so much as was attained thereof, how afflicted, and born down now soever, and to the Confessions of Faith of the Church of Scotland, and of the three Kingdoms, and to the rational, and trinitational Covenant, and that I do rather choose to suffer affliction with the poor suffering people of God, than to enjoy the pleasures of Sin for a season, esteeming the reproaches for Christ greater riches than all the pleasures, and preferments in the World. I desire you with your Brethren to consider those Scriptures, and take them home to you: Isa. 66. 5. Zechary 11. 5. John 16. 2, 3. John 9. 1. 10. Remember, your worthy Bedfellow, that is this day I hope in glory, shall bear Witness against you. Farewel for ever Lordly Prelacy, for I had never a joyfull hour since I engaged therein; and welcome, welcome my dear Lord Jesus Christ, I embrace thee with the arms of my Soul, and thy Cross. I profess this, confess thee bearing my Testimony to thee, and thy persecuted Truth, and by thy blood, and the word of thy Testimony, and not loving my life unto the death, I hope to overcome.

Cambre-Ille, August 6. 1677.

Sic subscribit, Alex. Symer, Minister of the Gospel at Cambre.

Unless you are versed in our Historian Buchanan, you will wonder, why this Learned Antiquarian should assert, that the Government of our Church was Presbyterian from the first plantation of the Gospel in 205, or rather 203. till the arrival of Palladius in the middle of the fifth Century. You must know therefore that all the Authority our Presbyterians have for this assertion, is from Buchanan, that furious Enemy of Bishops, who in the fifth Book of his History, writes, that the Church, in the afore-said time, was not Governed by Bishops, but by the Monks or Culdees; which, were it true, as it is false, would prove that the Government of the Church in that interval was not Presbyterian, but perfectly Laical, seeing it was long after that time that Monks were admitted among the Clergy, and permitted to meddle with Church-affairs. But you may find a larger Confutation of this groundless Assertion of Buchanan in Archbishop Spotswood's History, in the seven first pages of the first Book.

Buchanan's mistake in Asserting the Government of the Church of Scotland to have been Presbyterian at the first.

§. 4. But now to proceed to the continuation of my Account of Mr. Mitchel. I have already told you how he skulked about, because of his being engaged in the Rebellion, in 1666. during which time, he took up the Resolution of Assassinating the Lord Primate, and languished away for want of an Opportunity to put his inhumane Design in execution. At last, having observed that the Lord Arch-Bishop used always to go about this Town in his Coach, he determined to Pistol him in it; and accordingly on Saturday the ninth day of July, 1668. discharged a Pistol loaden with three Bullets at him, which were intercepted by the Arm of the Reverend Father in God, the Lord Bishop of Orkney, who at the same instant was getting into his Grace's Coach: As soon as he had shot, he walked fast away, and as he crossed the Street, the Primate got a view of his Face. He was not immediately pursued, which gave him Opportunity to escape into the House of one Ferguson, an ejected Minister; which being in an obscure place of the Town, he had prepared for a Retreat, in case he could get safe thither.

Mitchel shoots at the Arch-Bishop, and wounds the Bishop of Orkney in the Arm.

There having Disguised himself, by putting on a Periwig, and changing his Cloaths, he immediately went into the Street again, and made as great a bustle as any

Having Disguised himself, he comes into the throng to seek for the Assassin.

in the throng to find out the *Assassine*, who had shot at the *Primate*, and, as he hoped, had killed him in his *Coach*. He was known by none in the *crowd*, but by three of his *Confederates*, who had come to *Town* on purpose to assist him in his *Bloody Design*.

Their *Designations* or *Titles* were, *Barscob*, *Mandroget*, and Major *Lermontb*, who had been *Ringleaders* in the *Rebellion* of *Pentland-Hills*. The *Assassine* joyn'd himself with these three; and after a *Consultation* what they should do for their further *Security*, they unanimously *Resolved* to retire into the Garden of Sir *Archibald Primrose*, the now *Justice General*, or, to speak in your *Phrase*, the *Lord Chief Justice*, who had for many years the *misfortune* to be esteemed a *favourer* and *encourager* of the *Fanatical Faction*; though it be hard to imagine how a man that hath gotten so great an *Estate* by the King's *Royal Bounty*, should have so much *favour* for the *worst* of his *Subjects*, unless he hath lost all *sense* of *Gratitude* and *Honour*.

He retires with his Accomplishes into Sir A. Primrose's Garden.

Certain it is, that there are such *Monsters* of *Disloyalty* and *Ingratitude* in the *World*; and as certain it is, (though he be not one of them) that the *Credit* he hath with that *Party* encouraged this *Murnival* of *Rebels* and *Murderers* to shelter themselves the following *Night*, within his *Precinct*, rather than any other mans in this *Populous Town*. But the *Morning* approaching, they thought it *safer* to quit the *Town*; and the other three conducting Mr. *James Mitchel*, he made a *final* escape by their assistance, and was never after seen in this *Countrey*, till the latter end of 1673.

He makes a final escape into Holland, &c.

In this *Interval* betwixt *July*, 68. and the latter end of 73. he had *Rambled* through *Holland*, *England*, and *Ireland*, from whence he returned to his *Countrey*, *Resolv'd* (as it seems) to *Assassine* the *Primate* again. Not long after his *return* he *Married*, and *Repaired* with his *Wife* to *Edenburgh*, presuming that after more than *five years absence*, he might *Live incognito* here; at least so long, till he could find an *Opportunity* to execute his *Bloody Design*. In Order to which, he hired a *Shop* within a *Door* or two of the *Primate's Lodgings*, where his *Wife* pretended to sell *Tobacco*, and such like things.

But in 1673. returns again with a Resolution to execute the Bloody Design he had before failed in.

§. 5. But he had not long frequented *there*, before he was *Discovered* and *Apprehended* upon *Suspicion*; and when he was taken, (which was on the same *day* of the *Week*, and in the same *place* where he had stood to commit the *Fact*) there were two *Pistols* found about him, in size and shape like that which the *Primate* saw him hold in his *Hand*, immediately after he had shot at his *Grace*; and upon search, they were also found to be *charg'd* with three *Bullets* each. Being *Apprehended* by Sir *William Sharp*, he was immediately brought to his *Brother* the *Primate's Lodgings*; and though a great *crowd* had pressed in after him, yet his *Grace* knew him at first sight from all the rest (such a deep *impression* the transient view he got of him after the *shot*, had made upon him) and going up to him, without any *hesitation*, he said unto him, *You, Sir, are the Man*; upon which the *wretch* trembled and grew pale.

Is Discovered, and Apprehended.

Not long after, he was conven'd before the *Privy Council*, and the *Duke of Lauderdale*, His Majesties *High Commissioner*, then sitting in *Council*; but he would *Confess* nothing before them, which made the *Right Honourable Board* Depute a *Committee* for his further *Examination*; before which he freely *Confessed* the *Fact*, and Signed his *Confession* before the King's *High Commissioner* sitting in *Council*, which the *Lord Halton*, the *Treasurer Deputy*; the *Earl of Rothes*, *Lord Chancellor*; and some other of the *Council*, Subscribed as *Witnesses*; and this *Paper* was brought at his *Trial* against him as a *Judicial Confession* of his *Crime*.

Being Conven'd before the Privy Council, Confesses his Crime.

After this *Examination* of him before His Majesties *High Commissioner* sitting in *Council* (which happened in *February*, 1674.) he was put upon his *Trial* in the *Criminal Court*. But after his *Libel*, which your *Law* calls the *Indictment*, was Read, he denied it, and retracted his *Confession*, which he had freely made, without any promise of *Pardon*, before the *High Commissioner*, and the *Council*; upon which, Sir *John Nisbet*, His Majesties *Advocate* (who, notwithstanding his fair pretensions to the *Church*, either loves or fears the *Fanatical Faction* too much) seemed very much surpris'd, and desisted immediately from his *Prosecution*, desiring the *Judges* to *Adjourn the Court*; and from that time would never pursue the *Murderous Villain* again, and although he was obliged by his *Office* to do it, as well as by the *Arch-Bishop*, who in *causa sanguinis*, would not pursue him himself. The *Judges* also at that time had

Is brought to his Trial, but retracting his former Confession, Sir J. Nisbet refuses to Prosecute him.

no great *stomach* to sit upon the *Trial* of this *Bloody Saint*; so that the *Privy Council* were forced to send him *Prisoner* to the *Bas* (a *Rock* in the *Forth*, where 1 with all his *Brethren* were) where he continued till the latter end of last *December*, when the *Privy Council* sent for him to be *Tried* again.

About this time it was rumoured in the *Town* and *Country*, that the *Whiggs* (for so we call *Fanaticks*) Design'd to take off both the *Arch-Bishops*, and some other *Bishops*, by *Assassination*; and likewise vehement *Suspitions* and *Presumptions* were found, that they had the like *Design* on other *Eminent Persons* who were most concern'd, and resolv'd to see them reduc'd to *Order* and *Obedience*. And therefore the *Council* thought it expedient to prevent such *Barbarous Attempts*, and secure the *Lives* of His Majesties *Faithful Ministers*, to bring Mr. *Mitchel* to Publick *Justice*, that the *Remonstrator Presbyterians* of our *Country* might see what their *Clements* and *Ravillacs* were to expect.

It was Rumour'd about, that the Whiggs would Assassinate the two Arch-Bishops, and other Eminent Persons.

§. 6. Since the *Duke of Lauderdale* came last hither, Sir *John Nubet* resign'd his *Charge*, and His Majesty put Sir *George Mackenzy*, a *Learned* and *Worthy Gentleman* into his *Place*; who in *Obedience* to the *Order* of the *Privy Council*, pursued this *Common Enemy* of *Mankind*, with a *Courage* and *Zeal*, that became such a *Gallant Man*, and a *good Christian*; although he fore-saw he must for ever disoblige that implacable party which hath sworn to extirpate *Episcopacy* here.

Sir G. Mackenzy made Lord Advocate, and Resolves to pursue Mitchel.

You may easily judge with what *Deliberation* and *Caution* this *Miserable Process* was made, seeing his *Trial* was dependant four days; for he was Arraign'd on Monday the seventh of *January*, in the *Morning*, and received not *Sentence* till the following *Thursday* at *Two* in the *Afternoon*.

His Trial Ordeal, and Sir G. Mackenzy & Mr. Nubet sign'd of Council for him.

As the *Privy Council* were very *Just*, so they were exceeding *Merciful* to this *inhumane Man*; for at the instance of His Majesties *Advocate*, they Commanded Sir *George Lockhart* one of the best *Lawyers* of this *Nation* to be of his *Counsel*; and had he been the greatest *Subject* of the *three Kingdoms*, his Cause could not have been more *strenuously* Defended, nor his *Process* made with more *care*, than it was by this *Worthy Gentleman* and Mr. *John Elci*, who was likewise appointed to be his *Advocate*.

The first day of the *Trial* was spent in Reading the *Libel*, and discussing some preparatory doubts necessary to be determined by an *Interlocutory Sentence* before the *Affize* (which you call the *Jury*,) could be *impannelled*, and the *Witnesses sworn*. The *Indictment* set forth, how that the *Pannel* (for so we call the *Prisoner* at the *Bar*,) notwithstanding that by the *Law of Nature* and *Nations*, and the *Laws* and *Statutes* of this *Realm*, *Murder*, and *Assaulting*, and *Attempting* upon any *Person*, by way of *fore-thought Felony*, *per insidias & industriam*, of *purpose* and *design* to *kill*, are most *atrocious* and *detestable Crimes*, especially when committed against *Persons* in *Authority* or of the *Sacred Function*; and particularly, it being *Statute* by the 4. *Aff. 16. Parl. Jac. 6.* That whatsoever *Person* invades or pursues any of the *Lords of Session*, *Secret Council*, or any of His Majesties *Officers* for doing of His Majesties *Service*, shall be *Punished* with *Death*. And by the seventh *Aff. 1. Parl. Car. 1. 1633.* it is *Statute*, That the same shall be extended to all *Arch-Bishops*, *Bishops*, and *Ministers* whatsoever. And by the 4. *Aff. 2. Parl. 2. Sess. Car. 2.* It is *Statute*, That whatsoever *Persons* shall be guilty of *Assaulting* the *Lives* of *Ministers*, that they shall be *Punished* with the pain of *Death*, and *Confiscation* of their *Movables*. And by the *Laws* and *Acts* of *Parliament* of this *Kingdom*, the *Mutilation* or *Dismembration* of any of His Majesties *Subjects* by way of *fore-thought felony*, is an *High* and *Capital Offence*, and *Punished* with the pain of *Death*. Yet nevertheless the said *Pannel*, having shaken off all *fear* of *God*, &c. and having contracted a *deadly Hatred* and *Malice* against, did most *Cruelly* and *Feloniously* Assault *James*, *Arch-Bishop* of *St. Andrews*, and Wounded in the *Arm*, *Andrew*, *Bishop* of *Orkney* (whereof he *Languishing*, afterward *died*) (as is before at large related) and after several *aggravations* of the *Crime*, concludes from the *Premises* that the *Pannel* (to use the very words of the *Libel*) 'was guilty of the atrocious Crimes of *Murder* and *Assassination*, by way of *fore-thought felony*, and was a *Percussor* and *Sicarius*; and of *Mutilation*, and of the other *Crimes* above mentioned; and

The Substance of the Libel exhibited against him.

and was *art and part* of the *same*, and of *one or other* of the said *Crimes*; and therefore the said *pains* ought to be *inflicted* upon him, as a *Murderer* and *Assassinate*, and as guilty of the *Crimes* *aforesaid*, in an *exemplary* manner, to the *terror* of others to commit the *like* hereafter.

He Pleads, Not Guilty.

Mr. Eleis his Argument for the Prisoner.

Then, after a *Warrant* produced to Order Sir George Mackenzy to be *Pursuer* for the *King*, and an *Act* of the *Privy Council*, impowring Sir George Lockhart and Mr. John Eleis to be *Advocates* to the *Pannel*, and both *Parties* having allowed the *Justice General* to be *Judge*, notwithstanding he was cited by both the *Pursuer* and *Defender* as a *Witness*; then Mr. James Mitchel the *Pannel*, denied the *Dittay* (which you call the *Indictment*) and any pretended *Confession* emitted by him, that is, in your *Law Phrase*, Pleaded, Not Guilty.

Whereupon Mr. Eleis for the *Pannel* alledged, 'That he cannot pass to the knowledge of an *Affise*, because the conclusion of the *Libel*, (*viz.*) That the *Pannel* was guilty of *Murder*, could not be infer'd from any thing mentioned in the said *Libel*; because, 1. It sets forth only a *nudus conatus*, & *affectus sine effectu*, which except in some *notorious Crimes*, as *Treason*, &c. is not punishable with *Death*, and consequently, because *punishments* are proportioned to *Crimes*, cannot amount to *Murder*; for which he cited several *Authorities* from the *Doctors of the Civil Law*; and that our *Law* defin'd *Murder* to be *interfectio per feloniam*, which in his case was not pretended. 2. Whereas he was accused of *Assassination*; though it were allowed to be a *Crime* in our *Law*, which yet he utterly denied; yet because it is not set forth to be done for *hire*, which is an *Essential* to that *Crime*, he cannot be concluded guilty of that *Crime*, nor consequently upon that account, of *Murder*. 3. Forasmuch as he is indicted upon the *Act* of *Parliament* for *dismembration*, and it is only shewed he was guilty of *Mutilation*, he cannot be concluded within that *Act*, which makes *Dismembration* only punishable as *Murder*; and though *Mutilation* was intended within that *Act*, yet the *Libel* did not infer the *Pannel* to be guilty; for it neither shewed the *Fact* to be of *fore-thought Felony*, nor that he was pursued by the *Party Mutilated*; both which are expressly required by that *Act*: Besides 'tis probable the *Act* itself is *exolete*, for it does not appear that any has been Punished upon it: And further, though it be insinuated, that the *Bishop* languished of that *Wound* till *Death*, yet because it is not *Libelled* that the *Wound* was *sua natura* lethal, he cannot be concluded within the guilt of *Murder*. 4. Whereas he was indicted upon the *Act* of *Parliament* anent *Invading* of *Privy Councillours*; yet it not being *Libelled*, that the cause of the *Invasion* of the *Arch-Bishop* was upon the Account that he was in *Prosecution* of His Majesties *Service*, which required by the *Act*, he could not fall within the compass of it. 5. Whereas he was Accused upon the *Act* anent *Invading Ministers*; though the *Libel* were true, yet it did not prove him guilty of *Murder*; the Punishment inflicted by that *Act* being only *Confiscation* of *Moveables*.

In the next place, he endeavoured to shew the *Libel* was defective, forasmuch as it seem'd to be founded upon a *Confession*, which could not be made use of as a sole or conjunct probation against the *Pannel* for these *Reasons* following. 1. Because it was, *extrajudicial*, in regard it was not made in presence of the *Affise*, who are *Judges* of the *Probation*, but contrary to the 90 *Act*. 2. *Parl. Jac.* 2. Because it was drawn from him *spe venie & immunitatis*, for *Proof* whereof the *Pannel* did repeat his *exculpation*, and prayed that the *Witnesses* might be Examined *thereto*. 3. Because the *Confession* was taken upon *Oath*, which being in *materia criminali & Capitali*, in which *Oaths* cannot be taken, the *Law* renders the *Confession* void and invalid.

The Lord Advocate's Reply upon the foregoing Argument.

This Learned Gentleman having thus concluded his *Argument*; My Lord Advocate, in Answer thereto, made his *Reply* to this effect, 'That *nudus conatus*, though nothing follow, both by *Act* of *Parliament* and *Common Law*, is sufficient to infer the pain of *Death*, and consequently to maintain the *Libel*: And, 1. He instanced the 4th. *Act*. 16. *Parl. Jac.* 6. by which *nudus conatus*, attempting and invading a *Privy Counsellour* is punishable with *Death*; and that the *Pannel* did attempt the *Arch-Bishop* and a *Counsellour*, and that that Attempt, *devenit ad Actum proximum* is past Dispute. And whereas it was said, that it must be proved that it was for doing His Majesties *Service*. He Answers, That that must needs be presumed where the *Party* was a *Stranger*, and could have no Quarrel with him but for doing his *Duty*; for the Design of the *Attempter* being a *Secret Act* of the *Mind*, it cannot be proved other-

otherwise than by the *simple attempt*; it therefore lay'd on the *part* of the *Pannel*, to shew that it was for some *other Reason*; and if it should be otherwise, this *Act* would be altogether *useless*, because that could not be a *Protection* for *Privy Counsellours*, which is only granted to them under a *qualification* which is impossible to be proved: And urged it as an *Instance*, that if the *Brother* of the *Pannel* should attempt to kill the *Judge* or *King's Advocate* after a *Process*, no *Body* would say, it was necessary to prove the *Design* otherwise than by the *natural* contingency, which as obvious would arise from the *circumstances* of the *perpetration*. And that besides, the *Case* of *Mitchel* was stronger, for over and above the *presumption* of the *Law* above-said, 1. *Mr. Mitchel* was a *Person* who could pretend no *private grudge* betwixt the *Arch-Bishop* and him, they being *meer* strangers. 2. He owned himself to be of a *Profession* that hates the *Hierarchy*, of which the *Bishop* was *one*. 3. It can be proved that he *Defended* himself, and said, it was *Lawful* to kill such. 4. That it was *distinctly* and *specifically* offered to be proved, that he acknowledged the *reason* why he shot at the *Lord Primate*, was, because he did *Prosecute the Rebels of Pentland-Hills*. Nor, added the *Lord Advocate* further, can the *Acts* of the *Mind* be proved by any other *Arguments* and *Circumstances* than these. Then he instanced the *Acts* anent *Invading Ministers*, which appoints that *crimes* should be punished with all *Rigour*, and what that *Rigour* was, the last *Act* of this *King* sufficiently declares; which though it be *posterior* to the *crime*, yet it being a *Declarative Law*, does not add a new *Punishment*, but determines what was *doubtful* before, and only *ascertains* what *punishment* was due by the *former Law*, but was not so clear as not to be capable of *Controversie*.

And whereas it was said in favour of the *Pannel*, that *Assassination* was a *crime* unknown to our *Law*; and if it were not, that taking of *money* was an *essential* quality to infer a man *guilty* of it. He Answered, 1. That if a *constant* lying in wait with a *Design* to kill *clandestinely* & *per insidias*, any man without any *provocation* before given, were not raised to a degree of *detestation* above *Murder*, our *Nation* ought to be accounted *more Barbarous* than the *Laplanders* or *Tartars*, because in such a *case* as this, we can plead no *excuse* from the *frailty* of *Nature*, or the *headiness* of *Passion*, but on the contrary, the *Common-wealth* could never be secure so long as such a *Viper* was suffered to *live*, who wanted nothing but *Opportunity* to kill all *Mankind*. 2. That the *speciality* of taking *Money* was not *Necessary*, that being onely *Demonstrative*, and not *Restrictive*; besides that, the *crime* was less *excusable* in the *Pannel*, because he did it without that *Temptation*, which might in *some* measure have palliated the *atrocious* of it.

And whereas it was alledged, that the *Pannel* did Confess upon *Promise* of *Pardon*, and for that *Reason* ought not to have suffered the *Severity* of the *Law*. He Replied, That that *Plea* could avail him *nothing*, because, 1. He did not expressly *paction* that his *Confession* should not *Operate* against him, or at least, if he did, it lay upon him to prove it. 2. Because the *Promise* of *Life* from a *Judge*, who is not empowered to grant the *same*, is not of any *force*; for if it were, every *Judge* might make himself a *King*, and grant *Remissions* at his *Pleasure*; and though the *Law* be very *tender* of the *Life* of a *Man*, and lest he should be *trepan'd* out of it by a *Judge* who may *terrify* him, or *threaten* him, or use any other *illegal* way to *force* from him a *Confession*, in *prejudice* to himself or his *Friends*, has provided, that such a *Confession* so *extorted*, should not be *valid*: Yet in this *case* the *Pannel* could not pretend to any *Benefit* by it, because he was not only highly suspected, and had both before and after the time of his *Confession*, publicly owned the *Fact*, and endeavoured to *Justify* it; but because no manner of *threatning* or *compulsion* was used to make him *Confess*: And therefore the *Protestation* denying the *Libel*, could not be sustained, it being evidently *contraria facto*, and consequently his *Confession* ought to remain in full *force* against him, unless he could prove his *Innocence*, and shew the *Reason* of his *Error*, by alledging that he was *alibi*, or that there was *severe* *threatning* or *torture* used, whereby he might excuse his *Retraction*; which if he could not do, the *Law* would consider him, the *Party* confessing, still *Guilty*; and so never *secure* him, especially since the matter of *Fact* was so easily proveable upon him from the many *Circumstances* that attended it; so that he, according to *Clarus*, as *Reus indicis gravatus erat morte plectendus*.

As to what was Objected against the *Confession*, as *Extrajudicial*, it was Answered,

D

'That

'That to lay any stress upon that *Argument*, was only *ludere in terminis*, to turn the *Law*, which was Founded upon *Reason*, into meer terms of *Art*, because, 1. There can be no sort of *Probation* so certain as that of *Confession*, since *Witnesses* may be corrupted by *Money*, and biased by *Malice* in prejudice of a *Man*; when it cannot be presumed, that a *Man* would wrongfully Accuse himself upon serious and mature deliberation. And, 2. Because the *Notion* of *Extrajudicial* was mistaken and misapplied; for the rise of that *Maxime*, that *Extrajudicial Confessions* are not valid, was only to exclude *Probation* upon *Confessions* emitted where there was no *Judge*, nor no design of *Enquiry*; as when a *Man* rashly, and at an adventure owns a *Fact*, of which he might not be *Guilty*, either out of *Ostentation*, or to please the *Company*, or out of *Merriment*; but that this was not designed to reach those *Confessions* which were Solemnly and Deliberately made before those that have *Authority* to *Examine*.

Besides, it was further urged, that this *Confession* was *Judicial*, since it was taken by the *Authority* of the *Privy Council*, the *Supream* Judicatory of the *Nation*, in which the *Civil* and *Justice Court* are as it were comprehended; and the *King* being presumed to be there present, that it was absurd to think a *Confession* there made should not be binding. 2. Because that *Principle* in *Law*, that *Confessio coram Judice incompetente*, does not hold, is only where *Judex est incompetens tam ad inquisitionem quam ad accusationem*, which could not be pretended in this *Case*, because the *Judge* before whom this *Confession* was emitted, was the ordinary *Judge* of *Inquisition* and *Trial* in *Criminal Causes*. And 3. Because the *Confession* was made in the *Presence* of His Majesties *Privy Council* and the *Lord High Commissioner*, in whom all the *Judicatories* of the *Kingdom* do eminently reside, and who might have sent the *Pannel* to the *Scaffold*, without any *Assize*, seeing in *consentem nulla sunt partes Judicis*.

And though a *Man* might in favour be allowed to retract a *Confession* rashly and inconsiderately made, and where the *Error* appears upon *Proof*; yet without that, it was never granted to an obstinate *Pannel*, who does not docere de errore; for, say the *Doctors*, the *Guilt* is rather heightened by an impudent *Lie*, than lessened by that *Retraction*. And besides, here is not only a bare *Confession*, but other collateral Circumstances, which maketh it *verisimilis*, such as *Persons*, who saw him run away, and his owning of the *Principle* which induced him to do the *Fact*: So that he is so far from giving a *Reason* why he should retract, that his *Confession* is rather back'd and made stronger with all these concurring Circumstances of *Truth*. And as to that *Objection* Founded upon the *Act of Parliament*: That, *Probation* must be made in the presence of the *Assize*; it was Answered, That that *Act* was mistaken, seeing the intent of it was only to correct a *Barbarous Custom*, that allowed *Accusers* to produce what *Writings* and *Witnesses* they pleased for the *Probation* of the *Crime*, whereby to preclude the *Pannel* of what he could say against the same: Nor was it ever pretended from that *Act of Parliament*, that no *Paper* whatsoever should be sufficient but what was owned by the *Pannel* in presence of the *Assize*; for *Letters* under the *Pannel's* Hand are daily produced, and though he deny the *Subscription*, yet it will be sufficient to prove by *Witnesses*, or comparison of *Letters*, that he did *Subscribe*. Nor does that *Act of Parliament* conclude, That *Confessions* before the *Lords* of the *Session*, in matters of *Falshood* and *Deceit*, may not be probative; nor *Confessions* taken before the *Justices*, though no *Assize* be present, though neither can the *Justices* Condemn without an *Assize*; nor does that *Act of Parliament* prove more against that case than this, as is manifest from the *Case* of one *Gibson*, who suffered *Death* upon a *Confession* made in the *Tollbooth*. And further, he urged, that since presumptions were a sufficient Foundation for a *Criminal-Sentence*, as is daily seen, he could see no *Reason* why a *Man's Confession* emitted seriously in cold blood should not be so too, since that is more than presumptive: And as there could be nothing more dangerous to the *Common-Wealth*, than that *Crimes* should be thus rendred unsearchable; so there could be no hazard to the *People*, on the other hand, when they are made their own *Judges*, and shall be allowed to prove *Error*, *Force*, or *Mistake*; and this *Probation* had been in all *Ages* and *Nations* uncontroverted, as *David* commanded the *Person* to be slain, who said, he had killed *Saul*, upon his own *Confession*, without any further enquiry, giving this as an unquestionable *Reason*, That he had Condemned himself out of his own mouth. And though *Confessions* were not allowed in other cases, yet in this, where the *Crime* was so atrocious, and the *Discovery* so difficult,

'cult, the Law would remit somewhat of its *ordinary rigour* in exacting clear proba-
'tion, as we see it doth in *Criminibus domesticis*. And indeed, if Confessions were not
'allowed of in such Cases as this, when the horror of the newly committed Crime softens
'their hearts, and extorts acknowledgment, it would be in vain to expect it after they
'have lain among a company of hardened Malefactors, their Consciences being grown
'callous, and acquainted with the Idea of the Crime, and thereby having learnt the
'Art of Retraction; so that thereby we should be deprived of the strongest Proof of
'a Criminal's Guilt.

Then my Lord Advocate declared, That he did not at this time insist upon the Pan-
nels conversing with Rebels. And since shooting at a Bishop or Minister is not declared
Capital, before the late Act of Parl. 1670. he insisted upon the same for an Arbitrary
Punishment. And insisted upon Mutilation as Capital, upon the Act against Dismem-
bration, which is reddere membrum inutile; and a Man is as much Disembled that
has an useless Hand, as he that has no Hand. And insisted upon the 28 Act. 3. Parl.
Jac. 4. whereby Slaughter and Mutilation upon fore-thought Felony, are equiparat,
and both Punishable with Death.

The Lord Ad-
vocate's Decla-
ration.

To this, Sir George Lockhart for the Pannel rejoined, 'That the Libel was no way
'sufficient, as Founded upon the 4 Act. 16 Par. 4 Jac. and, That the Defence was no
'way evaded by the Reply. For he said, There was an express provision and Condi-
'tion in the Statuary part of that Act, That it shall be proved, That the Counsellours,
'Sessions, and Officers were pursued and invaded for doing of his Highness's Service,
'for which there was great Reason, since this Act was introductory of a new Law, viz.
'That nudus Conatus and attentatum, which before was only in Treason, should be re-
'puted crimen conjuratum in case of Invasion of any of His Majesties Officers. But
'this necessary and intrinsic qualification was not so much as mentioned in the Libel, or
'offered to be proved.

Sir Geo. Lock-
hart's Rejoyn-
der upon the
Lord Advocates
Reply.

'And, That this could not be presumed from the circumstances and manner of com-
'mitting the Fact; he said, that the discharging His Majesties Service was not a De-
'sign or secret purpose, but a Matter of Fact, which consisted in an extrinsic Action,
'which might easily be proved, and does often occur, as where the Magistrate is in
'actual Execution of His Majesties Authority. Nor ought the Pannel to prove that it
'was done upon some private Quarrel, for that is contrary to the express words of the
'Act, which ordains, that it must be proved that the Invasion was for doing His Ma-
'jesties Service: So that the Proof lies on His Majesties Advocate's side, and not the
'Pannels.

'As to what was alledged against the Pannel, that he gloried in the Fact, and per-
'swaded others that it was Lawful: He said, That was no Qualification, which the
'Act requires; and however that may aggravate the Crime, to induce a greater Arbi-
'trary punishment, it could not infer the pain of Death, Ordained by that Act.

'Then he proceeded to shew, that the Libel was not sufficient, as Founded upon
'the Common Law for Assassination: For supposing the Pannel Guilty of that which
'the Civil Law calls Assassination, yet he should never incur the Penalty of Death:
'For by the Laws of this Kingdom, and Acts of Parliament; as the 48 Act. Par. 3.
'Jac. 1. Act 79. Par. 9. Jac. 4. He said, 'twas Enacted, That no Man shall hazard
'his Life but by some Law or Act of Parliament of this Kingdom, therefore not for
'Assassination, which is a Crime only by the Roman Civil Law. But the Pannel was
'no Assassine, because not Hired, which is necessary to that Crime; and therefore the
'Libel, upon that account, is insufficient and defective.

'As to that point of the Libel, Founded upon the 28 Act. Par. 3. Jac. 4. against
'Disembrellation, he said, that Mutilation is not Disembrellation; and though alike
'mischievous, yet in Penal Laws, cortici verborum adberendum est, and they are not
'to be construed paritate rationis, nor extended de casu in casum.

'As to what was Replied by my Lord Advocate, in relation to the Confession, he
'rejoined, That a Confession elicit spe impunitatis, though the Judge have no Power
'to pardon, yet the Confession is invalid, or at most but a qualified Confession, and can-
'not be made use of, except the condition be performed, viz. that he should be par-
'doned. And that notwithstanding what had been said, yet the Confession was extra-
'judicial, and cited the Opinion of several Lawyers, who say, that Confessions emitted
'coram iudice competente sed non sedente pro tribunali, are extrajudicial, much more
'when it is confessio emissa coram iudice non competente, and omnis iudex est incompe-
'tens.

tens, who cannot proceed *ad condemnandum*, as to the Crime, of which the Confession is emitted. And denied that the Lords of Privy Council have Jurisdiction in *criminalibus*.

'To that which was alledged, That a Confession cannot be retracted, unless the Party could *docere de errore*, and purge his Innocence, he said, That was intended when the Confession was before a competent Judge, and not when *coram iudice incompetente ad condemnandum*.

'Lastly, He made use of the Act of the 9 Par. Jac. 6. Ordaining all probation to be had in presence of the Assize, and said, Though in the particular case of Deceits pronounced before the Lords of Session, Confession be allowed, whereupon the Assize may and ought to condemn, that this Case cannot be extended to Criminals. To the Case of Mr. Napp, he said, That therein were Depositions of Witnesses taken: To that of David, he said, It did not appear, that the Party did retract his Confession; and so that instance proves either *nimum* or *nihil*.

And thus that Learned Lawyer having concluded his Argument, and said as much for the Pannel as the Cause would bear, and that with all the Address and Skill that could be expected from so great a Man; the Court, for that day (being the 7th. of January last) broke up. And having in the mean time duly weighed and considered what had been urged on both sides for and against the Pannel, met again in the same place to deliver their Interlocutory, and proceed to the Tryal of this desperate Villain, on the Ninth day of the same Month, and accordingly they gave the following Determination of the Points in Dispute, to the great Satisfaction of all good and honest Men, which I have Transcribed from the Record of the Court, where I found it in these following words.

The Interlocutory of the Lords Commissioners of the Justiciary.

'The Lords Commissioners of Justiciary having this day considered the Dittay of Mr. James Mitchell, and the Debate relating thereto, found that part of the Dittay founded upon the 4 Act. 16 Par. Jac. 6. bearing the Pannels invading by shooting and firing of a Pistol at his Grace the Arch-Bishop of St. Andrews, a Privy Counsellor, for doing of His Majesties Service, Relevantly Libelled. His Majesties Advocate proving the presumption in his Reply, viz. That the Pannel said, that he made the same Attempt and Invasion, because of the Arch-Bishop his Prosecuting those that were in the Rebellion at Pentland, or some words to that purpose, relevant to infer the pain contained in the foresaid Act of Parliament, and remits the same to the knowledge of an Assize.

'And likewise find that part of the Dittay anent the Invading of Bishops and Ministers Relevant to infer an Arbitrary punishment, and remits the same to the knowledge of an Assize.

'And likewise that Article of the Dittay anent the Invading, Wounding, and Mutilating of the Bishop of Orkney, Relevant to infer an Arbitrary Punishment, and remits the same to the knowledge of an Assize.

'And also having considered that part of the Debate anent the Pannel's Confession made and emitted before a Committee appointed by Authority of Council to receive it, and thereafter adhered to, and renewed in presence of His Majesties High Commissioner, and Lords of Privy Council, conven'd in Council, find it is Judicial, and cannot be retracted.

'And also having considered the Debate and Defence against the said Confession, viz. That the said Confession was emitted upon Promise or Assurance of impunity of Life and Limb, find the same Relevant to secure the Pannel as to Life and Limb, reserving to the Commissioners of Justiciary to inflict such Arbitrary punishment as they shall think fit, in case the Defence shall be proven, and remits the same to the knowledge of an Assize.

The Civil Law is the Common Law of Scotland.

You may perceive by the terms wherein I am forced to couch the Relation of this Tryal, That we have much of the Civil Law; indeed it is the *Duck de usu & Author. Leg. Civ. Lib. 2. Cap. 10.* Common Law of our Country, and takes place in all Cases that cannot be determined by our Statute or Consuetudinary Laws. I know very well you understand nothing of it, but yet your Reason cannot but suggest unto you, that an Interlocutory is opposite to a Definitive Sentence; and that as this is, nothing but the final doom, consisting in Absolution or Condemnation of the Criminal: So the other is a Decision of such incident and emergent matters of Law as intervene betwixt the beginning and end of the Cause. *Lancelot. Instit. Juris Canon. l. 3. Tit. 15. Paragr. 1.*

But

But to return to my *Narrative*, after the *Interlocutory* was pronounced, the *Jury* was impanelled, and the *Witnesses sworn*, whose *Depositions* I shall set down as I heard them, and I think I shall never forget them as long as I can remember my *Name*.

To go on with them then in *Order*, after my Lord *Advocate* had produced the *Prisoner's Confession*, the first *Witness* called was Mr. *Paterfon*, an *Advocate*, who De-
 poned, That immediately after the *Shot* at my Lord *Primate*, he met a *Man* with a *Pistol* in *Black-fryer-wind*, but whether it was the *Pannel* or no, he could not be po-
 sitive. Mr. Paterfon's Evidence.

Mr. *Patrick Vause*, Keeper of the *Tolbooth* (for so we call the *Prison* here) De-
 poned, that the *Pannel* a day or two before, or after he was Examined by the *Privy Council*, Confessed to him, that he shot a *Pistol* at the *Arch-Bishop*, and escaped down *Black-fryer-wind*, and went up the *Cow-gate*, and into Mr. *Robert Ferguson's House*, and having put on a *Periwig*, came into the *Street*, and pretended to search for the *Man* that had made the *shot*; but did not remember he heard *Mitchel* Justifie the deed. Mr. Pa. Vause's Evidence.

Mr. *John Vause*, the Keeper of the *Tolbooth's Son*, gave in *Evidence*, that having asked the *Pannel*, how he could do such a *Barbarous Action* in *cold Blood*, against a *Evidence*.
 Man that had never done him wrong? He Answered, That it was not done in *cold Blood*, for the *Blood of the Saints* was reeking yet at the *Cross* in *Edenburgh*. By the *Saints* he meant the *Rebels* at *Penitland-Hills* in 1666. one of which, he himself, as I have already told you, had been, and some *Principals* whereof, that were taken in the *Field*, had been Executed about two years before at the *Cross* in *Edenburgh*.

John, Lord *Bishop of Galloway*, now of *Edenburgh* (whom no good *Church-man* here ought to mention without *Honour and Respect*) having first asserted the *Priviledge* that is granted to *Bishops* to have their *Depositions* taken at home, according to the *Ci-
 vil and Canon Law*; and protested, that his *Obedience* to the *Court* should be no pre-
 judice to that *Priviledge*, Deponed, That the first time he saw the *Pannel*, being at *Sir William Sharp's House*, he did not Confess any *Guilt*, but seemed to be in a great *Consternation*, and fell a trembling; and that he, the *Deponent*, having heard that the *Pannel* had made a *Confession*, went to the *Prison* to speak with him, who acknowledged to the *Deponent*, that he had Confessed, and that he had some hopes of *Life*, and desired the *Deponent* to intercede for him: And his *Lordship* Deponed further, that having asked the *Prisoner*, what moved him to make such a *Bloody Attempt* on an *Innocent Man*? He Answered, that he did it, because he apprehended him to be an *Enemy* to the *People of God*: And having asked him then, if he were not sorry for what he had done; he answered, no; but yet if it were to do again, he would not do it. The Bishop of Galloway's Evidence.

Then Dr. *Irvin*, Mr. *Jossie*, and Mr. *Borthwick*, *Chirurgeons*, swore, That they being called to Cure the *Bishop of Orkney*, found him Wounded in the *Arm* betwixt the *Wrist* and the *Elbow* with a *Bullet*, that the *Bones* were *Fractured*; and that though before they left him, he was able to lift his *Arm* to his *Head*, yet that several *Bones* continued to come out of the *Orifice*. The Evidence of Dr. Irvin, Mr. Jossie, and Mr. Borthwick, Chirurgeons.

After that, *John Earl of Rosbes*, Lord *High Chancellor* of *Scotland*, affirmed upon his *Oath* (for the greatest *Peers* are sworn with us) that he was present, and saw Mr. *James Mitchel* Subscribe that *Confession* that was produced in *Court*, and that he heard him make the *Confession* there set down, and that he heard him afterwards ratifie the same at the *Council* before the *King's Commissioner* and *Lords of the Privy Council*, and that his *Lordship* Subscribed the same *Confession*: And being interrogated whether his *Lordship* did Promise the *Pannel* his *Life*, upon Condition he would Confess? His Honour Deponed, That he never gave, nor did the *Pannel* ever seek any such assurance of *Life* from him; nor did his *Lordship*, as he declared upon *Oath*, remember any *Warrant* given by the *Council* to that intent; and if there were any Expressions in any *Paper* which might seem to infer any thing contrary to what his *Lordship* had affirmed, he conceived it was inserted upon some mistake. The Lord High Chancellor's Depositions.

The Lord *Halton* being sworn, Deposed to the same purpose, that he had heard the *Pannel* first verbally make, and then saw him Subscribe that *Confession*; and that he afterwards heard him own it again, and renew it before my Lord *High Commissioner* at the *Bar* of the *Privy Council*; and that he knew nothing of any Assurance of *Life* given to *Mitchel*, nor that he sought after any such thing. His *Lordship* Deponed farther, That the *Pannel*, being asked, what moved him to commit such a *horrid villainy*? answered, it was because the *Arch-Bishop* was an *Enemy* to the *Godly People* in the *West*. The Lord Halton's Evidence.

The Duke of
Lauderdale's
Evidence.

The Duke of *Lauderdale* likewise being sworn, Deposed, That his Grace was present, as the *King's Commissioner* in Council, when *Mitchel* was brought to the Bar, when he saw his former confession made at the Committee of Council, and that he heard him own that to be his Confession, to which he adhered, and did renew the same in his Grace's Presence; and his Grace declared further upon his Oath, that he neither gave nor knew of any Promise of Pardon given to the Pannel, nor gave any Commission to any others to the same effect, nor indeed could he do it, his Grace having no particular Warrant from His Majesty relating to that Affair.

The Lord Pri-
mate's Evi-
dence.

In the last place, *James*, Lord Arch-Bishop of *St. Andrews*, Deposed, That the day the Pannel made the Shot at him, having a view of him as he was crossing the Street, it made such an impression upon him, that after he was taken, he knew him at the first sight to be the Person that shot at him. He declared further, That he saw him own and confirm his former Confession at the Bar of the Council, and that he knew nothing of any assurance of Life given to the Pannel, or desired by him; only his Grace said, that immediately upon the taking of the Pannel, he Promised him, that if he would confess, and Repent himself of his Fault, without further troubling a Court of Judicature, he would intercede for his Pardon; which he rejected then, and therefore though he still forgave him, yet he did not conceive himself bound to endeavour his Preservation after more than five years Obstinacy.

Several other
Witnesses a-
gainst him,
which were not
made use of.

There were many other Witnesses ready to Depone, of which there was no need. One of them could have Testified, That he heard the Pannel say, *That he would do the Fact if it were to be done again*: And another could have Sworn, that he heard him say, *Let me but shoot at him again, and I'll be content to be Hang'd, if I miss*.

But what was actually Sworn, was sufficient to convince any rational Man of the Guilt of this execrable wretch, and that both He and his Counsel saw there was no way to save his Neck but by proving his Confession to be emitted upon Promise of Pardon, which was the Reason those Noble Peers were Interrogated to that particular, who, you see, all of them denied, by the great Oath they had taken, their knowledge of any such thing; by which it did evidently appear, that that pretended Act of the Privy Council was an Imposture, and was only produced in the Court, either to gain time, or *ad captandum Populum*, the Pannel thinking thereby to insinuate the hardness of his case amongst the unthinking and less considerate part of the people, by which means an Odium might be cast upon the Government.

The pretended
Act of Council,
signifying his
Confession was
emitted on
hopes of Par-
don, a manifest
Imposture.

The Pannel's
Counsel desire
that the Clerks
of the Council
may either give
an Extract of
the pretended
Act of Council,
or produce the
Register.

The Lord Ad-
vocate's Reply
thereto.

After the fore-going Depositions were taken, and the Assize (consisting of fifteen Honest Gentlemen) was Sworn, the Pannel and his Council having produced a Copy of a pretended Act of the Privy Council, insisted that the Clerks of the Council ought to be Commanded either to give an Extract of the Act under their Hands, or produce the Register containing the aforesaid Act, and desired an Order of the Court to that purpose.

To which the Lord Advocate Replyed, 1. That he was not Obligated to produce the Register, but that if the Pannel hoped any benefit from it, it lay upon him to do it, and that since he had till then neglected to cite the Clerks of Council, which before he might have done, to ask it then, looked like a Design to create a Delay, which, the Process being so far advanced, could not either in Law or Reason be allowed. 2. That if any such Act of Council were, it could avail him nothing, since my Lord Commissioner, my Lord Chancellor, &c. had disowned it upon their Oath, and denied any knowledge of it, because after that, it could not but be looked upon as a Surreptitious thing, or at best, that it was there through some mistake. 3. That even by the Copy of the pretended Act which they had produced, it was evident that the Design of it was absolutely to take from the Pannel that very favour which he pleaded for from it, since, as his Council had said, the Confession could not be divided from the Assurance of Life that was given; so, much less could the Narrative, part of that pretended Act, be distinguished and separated from the Statutory part of it, which expressly excludes the Pannel from any benefit of the fore-going promise of Life: Besides, it was apparent, that the pretended Act did bear date long after the Pannel's Confession, and even posterior to a former Dyet in the Justice Court appointed for the Prisoner's Tryal for the said Crime. 4. That no such Assurance could have been granted, seeing none but His Majesty can grant Remissions and Pardons.

The Contents
of the pretend-
ed Copy of the
Act of Privy
Council.

Then the Pannel and his Counsel desired the Copy produced might be read, which my Lord Advocate having consented to, was accordingly done; the purport whereof,

in short, was, 'That *Mitchel* had Confessed all his *Treasons*, and the *Attempt* upon 'the *Arch-Bishop* of *St. Andrews*, before a *Committee* appointed by the *Privy Council*, 'upon an *Assurance* of *Pardon* given him from one of them, as to his *Life*, without 'which he would not own the *Shot* he made at the *Primate*, though he had Confessed 'freely all the rest of his *Crimes*; and that he did afterwards in the Presence of the 'Lord *Higb Commissioner* and the whole *Privy Council*, own and adhere to his former 'Confession, Subscribed with his own *Hand*. And that afterwards being had before the 'Lords *Commissioners* of *Justiciary*, and the King's *Advocate*, he did retract and deny 'the said *Confession*, notwithstanding he was Promised by them he should have the benefit of the *Assurance* given him, if he would not go off from what he had Confessed 'before. Wherefore the Lord *Higb Commissioner* and the Lords of His Majesties *Privy Council* did declare, that they were free, and that Mr. *James Mitchel* ought not to 'have any benefit of any *Assurance* made to him, and that the same was void, and that 'the Lords *Justiciary* ought to proceed against him without any respect had to it, and 'as it never had been. Dated the 12th. day of *March*, 1674.

After the Reading of this, the *Pannel's* Proctors, that they might in no wise be wanting to him, craved leave of the Court to Debate the matter at large; which was denied them by the Lords *Justiciary*, because the Copy of the pretended *Act* of Council was never urged, nor made use of, nor any diligence used, nor Orders prayed for the producing of the *Register*, until the Court was just going to break up, and the *Assize* was Sworn, after which, it is contrary to the Law of the Land, and the Practice of the Court, to grant any more time, or issue out any Orders in behalf of the *Pannel*, especially seeing it appears, as had before been observed by the Lord *Advocate*, by the Copy, that the design of it was to take away any *Assurance* that could have before been pleaded in favour of the *Pannel*; and that the truth of the Narrative of the Copy Founded upon the insinuating that there was an *Assurance*, is Cancelled by the *Depositions* of the King's *Commissioner*, the Lord *Chancellor*, and other the Right Honourable Members of the *Committee* and *Privy Council*; and then they immediately Commanded the *Assize* to inclose, and to return their *Verdict* the next day at two a Clock in the Afternoon.

Whereupon being met the next day at the time appointed, they brought him in Guilty, according to the Interlocutory of the Lords *Justiciary*; upon which, he received his Sentence from the Court by the *Dempster*, which was, That he should be taken to the Grass-Market of *Edenburgh* upon Friday the 18 day of that instant *January*, betwixt two and four a clock in the Afternoon, and there to be Hanged on a Gibbet, till he should be dead, and all his Moveable Goods and Gear to be Escheat and imbrought to His Majesties Use. Which was no sooner pronounced, but the *Pannel* told the Lords *Justiciary*, That he took it as from God, and not from them.

§. 7. After he was Condemned, he desired that some *Conventicle Ministers* that were Imprisoned with him might be admitted to give him comfort, and obstinately refused the Assistance of the Ministers of our Church. However one of them went to him to remind him of the Murder he was Guilty of in the Eyes of God, though he suffered him not to effectuate his Design. But instead of making any impression upon his hardened heart, or receiving common acknowledgments for his good will, he received nothing from him but Reproaches; being told by him, that he was a Murderer of Souls, and had the Blood of Souls to Answer for; with many more rude and Enthusiastick Expressions, which would be too long to relate.

However, the Reverend Mr. *Annand*, Dean of *Edenburgh*, not discouraged with the unthankful returns one of his Brethren had received from the Malefactor but just before, out of his tender Compassion to his Soul, wrote him a very Affectionate and Pious Letter, wherein he endeavoured to shew him from the Gospel, how contrary his Principles and Practices were to the Doctrine of Christianity; and exhorted him to Repentance for that unchristian Attempt, by which he designed to take away the Life of one Sacred Person, and grievously Wounded another, &c. To all which he returned this Answer.

SIR,

SIR,

Mitchel's Answer thereto.

I Received Yours, and since my time is very short, and so very Precious, I can only thank you for your Civility and Affection, whether real or pretended; and I tell you, I truly close with all the Precepts of the Gospel to Love and Peace, and therefore pray I both for Mr. Sharp and You; but knowing both Mr. Sharp's Wickedness and my own Sincerity, and the Lord's holy Sovereignty to use his Creatures as he pleases, I can only refer the manifestation of the Fact to the day of God's Righteous and Universal Judgment, praying heartily that God may have Mercy on You, and open your Eyes to see both the Wickedness of all your ways, and of your Godless insulting over an unjustly Condemned Dying Man, and grant unto you Repentance and Remission of your Sins. I am in this your Wellwisher,

James Mitchel.

He over-looks the Dean's most pinching Argument in his Answer to his Letter.

The Dean had urged in his Letter an Excellent Argument to convince him, that the impulse which was upon him for so many years to Assassine the Primate, could not come from God, like the impulse of Phinehas and the Zealots, because he failed in the Attempt, which never any Person did or could do that was moved by God to do an Heroick Act. But you see the blind Pseudo-Zealot takes no notice of this Argument in his Answer, wherein, to shew what an implacable Enemy he was to the Office as well as the Person of the Arch-Bishop, he mentions his Grace not by his Character, but by his Name.

He Transcribes several Copies of his intended Speech, one whereof was found in his Pocket.

Having been told in the Prison, that he would not be permitted to speak to the People before his Execution, he transcribed several Copies of his intended Speech, whereof one was found in his Pocket, and taken from him before he was carried out to Execution: It is long, and the former part containing nothing but Libellous Reflections and Scandalous and false Aspersions on the Privy Council, the Justiciary Lords, and the King's Advocate: I shall content my self to send you a Transcript of the latter.

The latter part of his intended Speech.

I Acknowledge my particular and private sins have been such as have merited a worse Death unto me; but I dye in the hope of the merits of Jesus Christ, to be freed from those Eternal punishments due to me for sin. Yet I am confident that God doth not plead with me in this place, for my private and particular sins, but that I am brought here that the Work of God might be made manifest, and for the Tryal of Faith, John 9. 3. 1 Pet. 1. 7. and that I may be a Witness for this despised Truth and Interest in this Land, who am called to Seal the same with my Blood. And I wish heartily that this my poor Life may put an end to the Persecution of the true Members of Christ in this Kingdom, so much actuate by these perfidious Prelates; and in opposition to whom, and in testimony of the Cause of Christ, I at this time willingly lay down my Life, and bless my God that he hath thought me so much worthy to do the same for his Glory, and Interest. Finally, concerning a Christian Duty in a singular extraordinary case, and my particular Judgment concerning both Church and State, it is evidently declared, and manifested more fully elsewhere. So farewell all Earthly enjoyments, and welcome Father, Son, and Holy Spirit, into whose Hands I commend my Spirit.

Naphtali, Lex Rex, Jus Populi vindicatum, and Rutherford's Letters are the Fathers and Councils of the Whigs.

§. 8. As to that particular Christian Duty in an extraordinary case, and his Judgment concerning Church and State manifested elsewhere he means a larger Blasphemous Libel, which he left behind him, wherein he endeavours to justify his Fact. It is very long, but yet I beseech you to read it over, and if you have not read Naphtali, nor Jus Populi vindicatum, which is a Reply to the Answer, which the Bishop of Orkney, whom this Miscreant Wounded, made to Naphtali; I am confident you must be surpriz'd with horror and astonishment, to see such Unchristian Doctrines come from a Christian Pen. Yet the Primitive Churches never received the Apostolick Epistles with greater veneration, than the Members of our Field-Congregations receive such Discourses as this; nor can any Church-man respect any ancient Ecclesiastical Writer half so much as they adore Naphtali, which is written in the Defence of the Rebellion in 1666. and wherein this horrid mans attempt upon the Primate is commended for an Heroical Act; and that cursed Book, with Lex Rex, Jus populi vindicatum, and Mr. Rutherford's Letters are the Fathers and Councils of our Fife, and Western Whigs.

I have

I have here subjoyned the Account of my self, Principles and fore-said Practises as they were set down in a *Letter* to a *Friend*, and another *Declaration* both written by me, when first Convened before the *Lords Justices*, in the year 1674.

He gives an Account of himself, his Principles and Practises, in a *Letter* to a *Friend*, and in a *Declaration*.

The Copy of my Letter, *Edenburgh Tolbooth*,
February the 16th. 1674.

SIR,

ME (who may justly call my self the least of all Saints, and the chiefest of all Sinners) hath Christ his Son our Lord called to be a Witness for his destroyed Truth and trampled on Interest, by this Wicked, Blasphemous, and God-contemning Generation, and against all their other perfidious Wickednesses. Sir, I say, the confidence I have in your real Friendship and love to Christ, his Truth, People, Interest, and Cause, hath encouraged me to write to you, hoping that you will not misconstrue, nor take advantage of my Infirmities and Weakness: You have heard of my Indictment, which I take up in these two particulars. First, (as they term it) Rebellion and Treason, ancient which I answered to my Lord Chancellor, that it was no Rebellion; but a Duty which every one was bound to have performed, in joyning with that party: And in the year 1656. Mr. Robert Lightonne being the Primate of the Colledge of Edinburgh before our Laureation, tendereth to us the National Covenant, and Solemn League and Covenant, which upon mature Deliberation, I found nothing in them but a short compend of the Moral Law only, obliging us to our Duty towards God and Men in their several Stations; and I finding that our then banished Kings Interest lay wholly included therein, viz. Both the Oath of Coronation, Allegiance, &c. And they being the then tessera of all Loyalty. And, My Lord, it was well known that when many were taking the Tender, and forswearing Charles Stuart's Parliament and House of Lords, I then Subscribed them both. The doing of which, My Lord Chancellor, would have stood me at no less rate, if all's well known, than this my present adbering and prosecuting the ends thereof doth now: And when I was Questioned, what then I called Rebellion? I answered, That it is, Ezra 7. 26. And whosoever will not do the Law of thy God, and of the King, &c. But being questioned by the Commissioner before the Council there anent; I answered, as I said to My Lord Chancellor before, in the year 1656. Mr. Robert Lightonne being then Primate of the Colledge of Edinburgh, before our Laureation, he tendered to us the National Covenant, and Solemn League and Covenant, where he stopped me, saying, I wade you are come here to give a Testimony; and then being demanded what I called Rebellion, if it was not Rebellion to oppose His Majesties Forces in the Face? To which I answered, My Lord Commissioner, if it please your Grace, I humbly conceive, that they should have been with us, meaning that it was the Duty of those Forces to have joyned with us, according to the National Covenant; at which answer I perceived him to storm. But, says he, I hear you have been over Seas; with whom did you converse there? I Answered, with my Merchant, My Lord. But, saith he, with whom in particular? with one John Mitchel, a Cousin of mine; saith he, I have heard tell of him, he is a Factor in Rotterdam, to which I conceded: But, saith he, did you not converse with Mr. Livingston? and such as he? To which I answered, My Lord Commissioner, I conversed with your Banished Ministers; to which he replied, Banish'd Ministers! Banish'd Traytors; he will speak Treason at the very Bar. Then he answered, himself, saying, but they would call the shooting at the Bishop an Heroick Act; To which I answered, That I never told them of any such thing. Quest. But, where did you see James Wallace last? Answ. Towards the Borders of Germany some years ago. Quest. But what ailed you at my Lord St. Andrews here? pointing at him with his finger. Answ. My Lord Commissioner, the grievous Oppression and horrid Bloodshed of my Brethren, and the eager pursuit after my own Blood, as it appeareth this day to your Grace, and to all His Majesties Honourable Council; after which he commanded to take me away, that they might see what next to do with me.

The second is, the shooting that shot, intended against the Bishop of St. Andrews, whereby the Bishop of Orkney was hurt; to which I answered, My Lord Chancellor

He justifies the Murder of the Bishop of Orkney, and obliged by the Covenant to be a Moral Enemy to the whole Order.

in private, viz. That I looked upon him to be the main Instigator of all the Oppression and Bloodshed of my Brethren that followed thereupon, and the continual pursuing after my own; and My Lord-Chancellor, as it was credibly reported to us (the truth of which your Lordship knows better than we) that he kept up His Majesties Letter, inhibiting any more Blood to be shed upon that Account, until the last Ten was Executed, and I being a Souldier, not having laid down Arms, but being still upon my own Defence, and having no other Quarrel nor Aim at any man, but according to my own apprehension of him, and that as I hope in sincerity, without fixing either my self or any one upon the Covenant it self, and as it may be understood, by many thousand of the Faithful; besides the prosecuting of the ends of the same Covenant, which was, and is in that part the overthrow of Prelates and Prelacy; and I being a declared Enemy to him upon that Account, and he to me in like manner, so I never found my self obliged, either by the Law of God or Nature, to set a Centry at his door for his safety; but as he was always ready to take his advantage of me, as it now appeareth, so I of him when Opportunity offered: Moreover, we being in no terms of Capitulation, but on the contrary, I by this Instigation being excluded from all Grace and Favour, thought it my Duty to pursue him on all occasions. Also, My Lord, Sir William Sharp making his Apology, went his unhandsome cheating way, when he took me under a pretext to have spoken with me about some other matter, (I not knowing him until Five or Six of his Brothers, and his own Servants were laying fast hold on me, they being Armed of purpose) he desired that I would excuse him, seeing what he had done was upon his Brothers Account; which excuse, My Lord, I easily admitted of: seeing that he thought himself obliged to do what he did without Law or Order, in the behalf of his Brother; much more was I obliged to do what I did, in behalf of many Brethren, whose Oppression was so great, and whose Blood he had caused shed in such abundance; Moreover, he insisting in his bloody Murders, as witness the Wounding of Mr. Bruce at his taking of his Emisaries, some few days before that fell out concerning himself; now if by any means in taking him away, I could have put a stop to the then current Persecution. Thus far I have truly resumed what past.

Mitchel endeavours to prove from the Mosai-cal Law, that the Magistrates, and upon their neglect, every private Man is obliged indifferently to root out Episcopacy, either by fair means, or if that fail, by open force.

But this Answer to the second part of the Indictment may be thought by some to be a step out of the ordinary way, whereof I shall offer these things following to your Consideration, viz. That passage, Deut. 13. 9. Where to me it is manifest, That the Seducer or Inticer to Worship false Gods, is to be put to death by the hands of those whom he seeketh to turn away from the Lord, especially by the hand of the Witnesses, whereof I am one; as it appears, Deut. 13. 9. which precept I humbly perceive to be Moral, and not merely Judicial, and that it is not at all Ceremonial or Levitical, but as every Moral Precept is Universal as to the extent of place; so also as to the extent of Time and Persons; upon which Command, Sir, I do really think that Phinehas acted in taking away the Midianitish Whore, and him whom she had seduced, Numb. 25. 6. Also that Elijah by virtue of that Precept, gave Commandment to the People to destroy Baal's Priests, contrary to the mind of the seducing Magistrate, who was not only remiss and negligent in executing Justice, but became a Protector and Defender of the Seducers: Then, and in that Case, I suppose the Christians Duty not to be very dark. Moreover, we see what the People of Israel did, 2 Chron. 31. 1. They destroyed Idolatry, not only in Judah, where the King concurred, but in Ephraim and Manasseh, where the King himself was an Idolater; and surely, what all the People were bound to do, as their Duty by the Law of God, every one was bound to do it, to the uttermost of their Power and Capacity. And as it is, Ezek. 13. 3. Where the Seducers Father and his Mother shall put him to death; I take this to be meant of the Christian Magistrate. But when he is withdrawn by the Seducer from the exercise of his Office and Duty, and he's become utterly remiss and negligent in putting the Seducer to death, according to Gods express Law; which is not to be expected of him (for then he should do Justice upon himself) but to become a Protector and Defender of the Idolater; then I doubt not, but it doth become the Duty of every Christian, to the uttermost of his Power and Capacity, to destroy and cut off both Idolatry and Idolaters. Yea, these presumptuously-murdering Prelates ought to be killed by the avenger of Blood, when he meeteth them; by the express Law of God, seeing the thing is manifestly true, Numb. 25. 21. and not have liberty to flee to such Cities of Refuge, as the vain pretext of Lawful Authority. But they should be taken even from the Horns of such Altars, and be put to death. Moreover, what is spoken of concerning Amalek, upon the account that he design'd and re-

solved

solved the extirpation of the Lords People and Truth, who are his Throne, upon which he puts forth his hand, and because he took occasion against them; Exod. 17. 15. Numb. 24. 20. He endeavouring that God should not have a People to have served him, according to his revealed will, upon the Earth; and if he could have effectuated his design, they should not have lived, who would not Serve and Worship him, and his Idol Gods; and for the better effectuating of this his design, he took occasion against them when they were weary, in coming out of Egypt, Deut. 25. 17, 18. And the Reason there annexed is, That he feared not God. Now, because I know Bishops both will and do say, That what they did against those of the Lords People, whom they murdered, they did by Law and Authority, but what I did, was contrary to both. Answer. The King himself, and all the Estates of the Land, and every individual Person therein, both were, and are obliged by the Oath of God upon them, to have by force of Arms extirpated Perjured Prelates and Prelacy, and in doing thereof, to have defended one another with their Lives and Fortunes, the Covenants being engaged into, upon these terms, viz. After Supplications, Remonstrations, Protestations, and all other Lawful means have been used, now for that effect, as the last Remedy, we take up Arms, upon which Conditions the Nobility, and all the Representatives of the Nation, according to the National and Solemn League and Covenant, gave to our King both the Sword and Scepter, and set the Crown upon his Head; and he accordingly received them, according to these Sacred Oaths and Promises, and swore by the everliving God to use and improve them for the end aforesaid; and especially, in order to the performing of this Article, viz. The extirpation and overthrow of Prelates and Prelacy: And now the want of what Authority do they mean or speak of? Truly I know not, except it be the Authority of their Aggregation of new Gods, of whom they have their gain, life, and standing, viz. Chemoth or Bacchus, which, with drunken Moab, delighted to dwell within dark Cells, and Ashteroth and Venus, whom they Worship in the Female kind, because of their Adulteries and Whoredoms; as also Milchom or Molech, which signifies a Tyrannical King or a Devil, if they will have it so, in whose Arms and Power they put their young Infants and Posterity to be burnt and destroyed, according to his Lust and Pleasure, Amos 5. 26. Psal. 116. 37. and that Mammon, which they delight to Worship daily together with their own bellies, whose glory is their shame, who mind earthly things, whose end will be Destruction, except they Repent, which there is little probability of, Psal. 3. 19. to which, if we may add their abominable Pride and Blasphemous Perjury, then their Gods will be equal in number to the Whore their Mother, from whom they have their being, strength and standing, and from the Devil their Father, who was a Deceiver, Lyar, Murderer from the beginning: And now seeing the Prelates possess whatsoever their Gods Chemoth, &c. giveth them to possess, then why should not we possess what the Lord our God giveth us to possess, viz. His eternal Truths manifested to us, in his revealed Will, and keep and defend the same from all Innovations, Corruptions and Traditions of his or our Adversaries, defend our Lives, Laws, and Liberties out of the hands of our Usurping Enemies, Judg. 11. 24. For sure I am, that God once dispossess the Prelates and Malignants of all these, and should they again possess them through our defect, God forbid. But the like of this Work, our Murthering Prelates like not; who plead like the Whore their Mother for Passive Obedience, and that all the Lords People, who may not comply with their Idolatries, should lay down their necks to their Bloody Axes; with whom too too many of our Hypocritical Time-serving and perfidious Professors do agree, who would rather abide with Reuben amongst the Sheepfolds, than Jeopard either Life or Fortune in the help of the Lord against the Mighty, but do not consider the bitter curse pronounced by the Angel of the Lord against Meros, to which he immediately subjoyns a Blessing upon Jael the Wife of Hebar the Kenite: Others excuse themselves thus, viz. Vengeance is mine, and I will re-pay, but so the Throne and Judgment is the Lords, and by this they would take away the Use and Office of Magistracy, which Erroneous Principle I detest; for God even in the working of Miracles, viz. in dividing the Red Sea, Exod. 14. 16. he commanded Moses to stretch forth his Rod, and Christ, when he opened the blind Man's Eyes, maketh use of Clay and of Spittle; though indeed, I mean not of any who were willing to have helped, but wanted Opportunity, yet there are many peevish Time-serving Professors, who resolve they shall never suffer so long as they have either Soul or Conscience to Mortgage; providing that they may save them from suffering: And if it will not do their business, it seemeth (that before they suffer) they resolve to sell out at the ground. Now, Sir, I have

Rails bitterly
against the Pas-
sive Obedience,
and the Teach-
ers and Practi-
sers of it.

have neither mis-interpreted Scripture, nor mis-applied it, in regard of the Persons here hinted at, nor been wrong in the end, which ought to be the glory of God, and the good of his Church and People. Then I think that some Persons might forbear to scourge me so sore with their Tongues, while I am not yet Condemned by the common Enemy, and my hearing of some things Reported by some behind my back, hath occasioned my writing to you at this time. O Sir! be entreated to pray to the Lord in my behalf, that he would be pleased out of his Mercy and Goodness, to save me from sinning under Suffering, in this hour and power of darkness; for my Soul is prelt in me, in the search betwixt Sin and Duty, viz. lest I should be too niggard and sparing of Life, when God calleth for it; and upon the other hand, lest I should be too Prodigal and lavish of it, in not using all Legal defences, in preserving of it; and many things of the like Nature. I am in a strait, O Lord, undertake thou for me. Sir, I hope you will excuse me, in sending you these indistinct and irregular lines, when you consider my present condition; Sir, I believe, I would many times, when I am before them, think a Scaffold a sweet Retirement, lest they should cheat and deceive me; in making me, either to stain the declarative glory of God, my own Conscience, or his People and Interest, in wronging of them, either by opening of the Adversaries mouths against them, or in letting loose their hand upon them; henceforth let the Adversary either say or do what they can, yet the Righteous will hold on their way, and he who hath clean hands will be stronger and stronger, Job 17. 9. But he that saith unto the Wicked, Thou art Righteous, him shall the People Curse, Nations shall abhor him, Prov. 24. 24. Farewel in the Lord.

P O S T - S C R I P T.

IT is acknowledged by all rational Royalists, that it is Lawful for any Private Person to kill an Usurper, or Tyrant, sine titulo; and to kill Irish Robbers, and Tories, or the like; and to kill Boars, Wolves, and such devouring Beasts; because the good of this Action doth not redound to the Person himself only, but to the whole Common-wealth; and the Person acting incurs the danger himself alone: The Second Part of *The Cloud of Witnesses*, pag. 60. Mr. Knox hath these express words; For God, saith he, had not only given me Knowledge, and a Tongue, to make known the Impiety of the Idol, but had given me Credit with many who would have put in execution God's Judgments, if I would only have consented thereto. But so careful was I of common Tranquillity, and so loth was I to offend some, that in secret conference with Zealous Men, I travelled rather to slacken that fervency God had kindled in them, than to animate or encourage them to put their hands to the Lord's Work, wherein I acknowledge my self to have done most wickedly; and from the bottom of my Heart I do ask my God Pardon, that I did not what in me lay, to have suppress that Idol in the beginning. But O! how far are the Men in our time from such Conventions! whose work it is to put out any spark of Life or Zeal, which appeareth in any Person, against Idolatry and Idol of our times. Now let Men, whether Foes or Friends, carp or quarrel never so much, yet the purpose and determination of God will not be disappointed in living Witnesses against this mis-believing Generation, viz. That he is both All-powerful and willing to deliver one, or more of his People trusting in him, yea, and that there is no restraint unto the Lord, to save by many, or by few, 1 Sam. 14. 6. If any be Obedient to the voice of his Commandments, although Success doth not always follow thereupon, more than it did to Israel, Jos. 7. 12. against the City of Ai, because there was an Achan in the Camp, and alas, there are many Achans in the Camp of our Israel, which cause the Lord's People to fall daily before their Enemies; and which makes all their endeavours unsuccessful: I mean, the hidden Time-serving Hypocrites and Murmurers, who have preferred their Backs and Bellies to the Interest of God, and their Hearts still desirous to return to Egypt: I say, until such Rebels be purged and dye, we can have little expectation to prosper in any enterprize or undertaking; for they have both betrayed and mis-believed God, notwithstanding.

Mr. Knox Blaphemously asks God's Pardon for his slackness and want of Zeal in promoting Tumults, Sedition, and Rebellion, which wicked Action of his is commended by Mitchel.

Mitchel complains of the want of Zeal, Courage, and Constancy among his Brethren the Whigs.

‘withstanding of all his *Miracles* which he did of *old*, and which he has done *in our days*, for his *People*, and before *their Eyes*; yet they are so far *gone back* in a course of *Apostacy* and *compliance* with the *Canaanites* of our times, and are become so *brutishly ignorant* of the express *Law of God*, and are such *Enemies* thereto, that they do rather *concur* with the said *Canaanites*, *Judg.* 6. 25. to have *Gideon* put to death for performing his *Duty*, conform to the express *Command of God*, than either to study thereof themselves, or give *Obedience* thereto. But if it be objected, that *Gideon* had an express *Command from God*, for *throwing down of Baal’s Altar*, and for *cutting down of the Grove*, and *destroying of the Midianites*: Answer. Indeed he had an express *Command of God* for his *encouragement*, but he had no *new Command from God*, save that which was expressly *enjoyed* upon all the *Israelites*, by virtue of which *every one* was obliged to have done *what* he did, without any such *Message from God*, *Deut.* 7. 2, 3, 15. and who are readier with *Judas* (before they incur *danger or loss*) to send *three thousand Men* to bring *Sampson* bound to the *Philistines*, than to have sent him *ten* to his *assistance* against the *Common Enemy*; concerning the *truth* of which we have gotten many sad *Experiments*. But, however I hope, that what hath been said, shall *occasion* a further *cognition* of, and a more *serious search* into these *fore-mentioned truths*, than hath been for a long time by-past.

‘That, albeit I have here *singly* declared my *own Motives* and *Reasons* for that *Attempt*, and *shooting*; wherein I *then* had, and *now* have *peace*, and hope to find *acceptance of God*, according to the *multitude* of his *Mercies*, to such as *seek and fear him in sincerity*; yet, I will not take on me *absolutely*, and in every respect, to *justify* or *assert*, that it is my *own deliberate* and *fixed Principle*; let be that it is *justified by*, and is the *Principle* of the *Non-conforming Presbyterian Party* of the *Church of Scotland*, of which I have the *Honour and Happiness* to be one, the *unworthiest* of many: Nay, if I should say so of them, I would be found a *Liar* against the *Truth*, for I *adventured* on it upon my *own pure and proper motion*, without the *instigation* of any, yea, without the *privacy* of that *Party*; whom therefore I earnestly desire, that none may *charge* with, and if any shall, I do with the greatest *confidence* aver, that they deal with them most *unjustly*; I have, I say again, in the *simplicity* of my *Heart*, with *candour* and *ingenuity*, becoming a *Dying Man*, and a *Christian*, believing that he must be made manifest before the *Tribunal of Christ*, and there *receive* according to the *things* done in the *Body*, whether they be *good or evil*, giving an *Account* of the *Reasons* and *Motives*, *pushing* and *pressing* me on to it; wherein I had *quietness of Mind* in the *time*, and have still to this *present hour*; hoping that as he is *Sovereign Lord* over all *Creatures*, and may use any of them as *Instruments* to whatsoever his *Pleasure* is; and that, as I say, I did *take*, and do still *look* upon the *motion* as from *himself*; so he will accept of my *sincerity* in it, and one *day*, both bring forth his *own* and my *Righteousness* as the *Light*.

He declares the foregoing Principles to be his own, and not (for ought he knows) of the whole Party.

He believes that the impulse that induced him to do what he did, proceeded from God.

The End of the Letter.

Here follows this Miserable Wretch’s Declaration.

I Suppose some will be desirous to know what hath brought me to this place of Suffering; to which I have no other Answer than that which *Elijah* gave, when threatened with Death by *Jezebel*, *1 Kings* 19. 14. I have been very Jealous for the Lord God of Hosts, because the Children of Israel have forsaken thy Covenant, thrown down thine Altars, and true Worship, and slain his Prophets and Ministers: And they seek my Life to take it away.

His Declaration concerning himself, his Principles, &c.

With all my Heart and Soul, I own, and adhere to the work of Reformation, as it was begun and carried on in this Kingdom, according to the Word of God, and the National Covenant, and the Solemn League and Covenant; as it was settled amongst

as in Doctrine, Worship, Discipline, and Government, by General Assemblies, Synods, Presbyteries, Kirk-Sessions, and the Peoples Just Power to choose and call their own Lawful Pastors; and I do declare, that I judge Patronage to be a Popish Right, and an Usurpation in the House of God.

Mitchel holds,
That none are
Lawful Magi-
strates but
those that have
such qualifica-
tions as he
reckons up,
which if they
want, it is then
Lawful for the
People to take
up Arms to free
themselves
from their Bon-
dage to them.

I do believe, and am perswaded, that Magistracy is an Ordinance appointed of God; as well under the New Testament as it was under the Old; and that whosoever resisteth the Lawful Magistrate in the exercise of his Lawful Power, resisteth the Ordinance and appointment of God, Rom. 13. 3. For he is God's Minister to you for thy good, and in doing good thou needs not be afraid of him, 1 Pet. 2. 12. We must Obey the Lawful Magistrate for Conscience sake, Deut. 17. 15, 16, 17. The Lawful Magistrate must be a Man qualified according to God's appointment, and not according to the Peoples Lust and Pleasure, lest in the end he should prove to them a Prince of Sodom, and a Governour of Gomorrah, whom God in his Righteousness should appoint for their Judgment, and establish for their Correction; he must be one of thy Brethren, and not the Face of a Stranger; he must not make himself strong by multiplying of Horses, so the end he may compel the Lord's People to Rebel against the Lord's express Command: Nor Jeroboam-like, compel the People to any course of Apostacy; he must not multiply Wives to himself, and much less Whores, nor Marry an Idolatrous Wife like Jezebel, 1 Kings 16. 31. Nor be Covetous, in multiplying to himself Silver or Gold; he must be a diligent Student of the Law of the Lord, all the days of his Life, that he turn neither to the Right Hand, nor to the Left Hand therefrom, but must Judge the People accordingly; otherways neither he, nor his Children can expect to prolong their days, 2 Sam. 23. 3. He must not be a Son of Belial without or above Order and Law, whom a Man cannot touch except he be fenced with Iron, for such shall all be prest away: For (saith David) he that Ruleth over Men must be just, Ruling in the Fear of the Lord, &c. But if a Man simulating himself to be thus qualified, and thereafter, when he hath strengthened himself upon the Throne, shall abjure and Sacrifice his Oath and Covenant, both to God and his Subjects, and shall transgress the Law and Commandment of the Lord, (who hath given the Magistrate only one accumulative Power to promote, protect, and defend God's Laws, Truth and People, from being corrupted, violated, or any ways damnified; and for that end he hath received both his Place and his Power from God and Men, for he hath not received of the Lord an obstructive, destructive, or privative Power;) for (as has been said) the People can give no Right, nor Power to any Man, but what is according to God's appointment, lest they should incur the sad Challenge from God, Hosea 8. 4. They have set up Kings, but not by me; they have made Princes, but I knew it not. For in ch. 10. v. 3. Israel there is brought in confessing their fault, and they denyed they had a King, because he was not such as God had appointed, and said, what should a King do to them, seeing he had partly by force, and partly by fraud, withdrawn them from the fear and obedience which they ought to God, and to his Law, and had seduced and compelled them to Idolatry, and Worshipping of false gods: And if the Magistrate being in Power, shall overturn the Covenant-work of God, his Truth and Interests, the Fundamental and Municipal Laws of the Land, and moreover by a settled Parliament, according to his own Mind, and for his own Use and Ends, they as the Peoples Representatives, do by Acts Rescissory rescind all Acts of laudable Lawful Parliaments, Committee of States, or Councils, wherein were contained or comprehended any mutual Bond, Obligation, Covenant, or Contract betwixt the Prince or People, he having divested himself of any Legal Right he could have or pretend over such a People, and they being in Statu quo Prius, and none having Right to Rule over them without their own consent; if the aforesaid Magistrate shall then again Usurp and Invade his Peoples Lives, Religions, Liberties, and Laws, and make even simple supplicating of him Crimes of Treason, contrary to the dictates of Nature, and be by Armed Emillaries, and by his Arbitrary Power carried on by the Sword in their hands, compel the Lord's People to relinquish and so forsake the true Religion and Worship of God, and make a surrender of both their Souls, Consciences, Lives, Laws, Liberties, and embrace a false Religion, and Will-worship, and engage to Serve and Worship false and Idol-gods at his pleasure: For thus all that is dear and near to a People being in the extremity of hazard; now it necessarily followed to be the Duty of such People, or any part of them, to take up Arms in Defence of their Lives, Laws, Religion, and Liberties, and of their Posterity, that they may not be left in such an intol-

intolerable bondage, and as they would not be accounted guilty of bringing God's Wrath upon the whole Land, *Jer. 22. 2, 3.* Hear the Word of the Lord, O King of Judah, &c. Thou and thy Servants, and the People that enter in by these Gates, execute Judgment and Righteousness, and deliver the Oppressed out of the hand of the Oppressor, *Chap. 37. 2.* But neither he, nor the Servants, nor the People of the Land hearkened to the Prophet *Jeremiah*, until Wrath from the Lord consumed them all: Now, had it not been the Peoples Duty, to have executed Judgment and Righteousness, and to have delivered the Oppressed out of the hands of the Oppressor; *Zedekiah* and his Servants (which I think was meant by the Nobility and Princes) proving deficient, in order to the performing of their Duty, it necessarily followeth, to be the Peoples Duty; For if it had not been their Duty, it had not been their sin to have omitted it: But here we see it is as well charged home, to be the Peoples sin, as to be the sin of the King, or the sin of his Nobles: But, say some, who shall be Judge in such Cases? To which I Answer, that the Law of God is the only Supreme and Infallible Judge in all such Cases; for what other Judge is, when two Kings or Monarchs fall out in War, neither of them being Subject to any other Judge. But some profane and brutishly ignorant malignant saith, that this or that Ignorant Fellow, or Hussy, take upon them to determine what the Law of God saith in such Cases: I Answer, neither this, nor that Ignorant Fellow, or Hussy, nor yet this, or that Ignorant, Profane, Wicked, or Perfidious Prince or Princess, is capable to be Judge, *Deut. 30. 11.* For this Commandment which I command thee this day, it is not hidden from thee, neither is it far off, *verse 12.* It is not in Heaven, that thou shouldest say, Who shall go up for us to Heaven and bring it to us, that we may hear it and do it, &c. Neither is it beyond the Sea, &c. but the Word is very near unto thee, in thy Mouth, and in thy Heart that thou may'st do it; And in this case I do appeal to any Man of a Sober Wit and Judgment, seeing the Secrets of the Lord are with them that fear him, *Psal. 25. 14.* And seeing evil Men understand not Judgment, but they that seek the Lord understand all things, *Prov. 28. 5.* For they know not how to do Right, who store up Robbery in their Palaces, *Amos 3. 10.* Who is most capable to Judge, what the Law of God determineth, in all such matters? *Artaxerxes* a great Monarch commanded, That whatsoever is commanded of the God of Heaven, that it should be diligently done, for the House of the God of Heaven, for why should there be Wrath upon the King and his Sons, *Ezra 7. 23.* But O how many Men at this time, of the Sons of Belial, contrary to what is here spoken of, screw up those who are above them to so high a Pinnacle, and an illimited and Arbitrary Power, far above what either the Law of God, or the Law of Nature will admit of for this very end and purpose, that they may glory in the works of their own hands, and that be whom they have thus set up, and to whom they have made a surrender of both Credit, Conscience, and common Honesty, may return unto them a Power over others, who are under them, by putting Swords in the hands of Bloody Cut-throats; who are raised and kept up for that effect, to keep and bring into an Egyptian Bondage, the Persons, Lives, Laws, Liberties, yea, even the Souls and Consciences of the Lord's People: The which Power, I declare, to be Diabolical, Profane, and Blasphemous, and Pharaoh-like to say, Who is the Lord that they should obey him, *Exod. 5. 2.* Now seeing both the Throne and the Judgment is the Lords, then O Blessed and Happy Magistrate, who Ruleth and Governeth his Subjects, keeping in a straight Line of Subordination to God's Law and Statutes! for in so doing, who may say to him, what dost thou? *Prov.* And O Happy and Blessed People thus Governed, *Deut. 4. 8.* And what Nation is there so great, that hath Statutes and Judgments so Righteous, as all this Law which I set before you this day. But O the Blasphemous Perjuries, and Wickedness of this Apostate Generation, whom no Bands, Obligations, nor Covenants can bind, except these spoken in the 149 *Psal. 8.* But shall they thus break the Covenant, and escape and be delivered? *Ezek. 17. 15, 18.* As if the Lord's Hand and Power could not reach them, to inflict just and due Punishment upon them which commit such things. I do detest and abhor that woful Indulgence and Inroachment, and Usurpation on the Crown and Prerogatives Royal of our Lord Jesus Christ (at least in the givers thereof) howbeit, I have very much Love, Charity, and Affection to many who have embraced the same, for I do really think, that they have been out-witted in that matter, and have not wickedly departed from following the Lord; yet I hope they shall yet their Souls for a prey in the day of the Lord, although they may suffer loss, in building such Hay and Stubble upon the Rock

If the Prince neglect the Advancement of God's Worship and Service, it falls then to be the work of the People.

Christ

Christ Jesus, when that their work shall be burnt up by the fire of his Jealousie.

I protest before God, Angels, and Men, against all these Acts of Parliament or Council, which are against, and derogative to the work of God and Reformation, and carrying on of the same, according as we are engaged and sworn in these holy bands of the National Covenant, and Solemn League and Covenant; I abhor the shedding of the Blood of the Lord's People, for their adhering to the same, and the Peoples guarding such in Prison-Houses and at Scaffolds unto their Death; whom both by the Oath of God upon them, and by the eminent and laudable Laws of the Land, and by the Law of Nature they were obliged to have defended to the uttermost of their Lives and Fortunes; It being most well known, that such as were put to Death, had committed no Crime, but on the contrary had performed a Duty, which they were as much obliged to have performed as these, if the Guardians had been as faithful to God and Man as the Pannels were.

Likewise I protest against their Banishment, Imprisonment, or Finings, or Confinements, and against all the hardships and perplexities of whatsoever kind, which they have been put to, through the Iniquity of the Times: So that we may justly wish our Predecessors say, That our Persecutors have devoured us, and have crushed us, have emptied us, swallowed us up like a Dragon, and have filled their bellies with our Delicates, and have cast us out, Jer. 5. 34. For which cause, God gave a charge to prepare Instruments for the overthrow and destruction of such Persecutors, v. the 12. Because it was the Vengeance of the Lord and of his Temple, so shall our Remnant who out-live these Persecutors, say, v. 35. The violence done to me and my flesh, be upon Babylon, and my blood be upon the Inhabitants of Chaldea; let wrath from the Lord pursue them, for their blood and violence in their Persons and Estates, and their strength, wherein they confide, and in their Friends and Favourites, who have consulted and contrived within their wicked courses. I hope the time is drawing nigh, and that the joynts of their Loyns is loosing, their knees are beginning to smite one against another, Dan. 5. 6. and the hand-writing begins to be portrayed upon the Wall, because they have not considered what God did to their Predecessors, for their Idolatrous Pride and Wickedness; although they knew it, yet they are become more insolent in Idolatry and Wickedness, and daring against God than ever their Forefathers presumed to be, in meddling with the Vessels and Materials of Gods House, and with the Crown and Kingly Office of Christ Jesus, and have appropriate them to their own Idolatrous ends and uses, 21, 22. Therefore, when the forbidden Sword of the Lord's Indignation and Justice breaketh forth to devour, which it may do, before the dark night of these dreadful Dispensations pass over, then shall the Time-serving Hypocrites of this Generation begin to their untimely Prayers, viz. Hills and Mountains fall upon them, to hide them from the face of the Righteous Judge, for who may abide the day of his coming, for Executing of Vengeance on his Adversaries? In that day the Man shall be accused who keepeth back his Sword from blood, and who doth the work of the Lord deceitfully, Jer. 48. 10. Yea, Happy shall be he that taketh this Curfed Malignant, and Prelatical Brood, and dasheth them against the Stones; yea, Happy shall be he that rewardeth them as they have served us, Psal. 137. For this Honour have all his Saints, the high Praises of God in their mouth, and a two-edged Sword in their hand, to execute Vengeance upon the Heathen, Psal. 149.

He pretends to fore-tell that the time will come when the Chosen People shall execute Vengeance upon the Prelates, &c.

Having thus delivered my self in the points that I have mentioned, I only add to what I have said, that I do only own these things as my own Judgment in these great and Important matters, not willing that any thing wherein others may differ from me, should be looked upon as the principles and perswasion of that Party whereto I adhere: And I obtest that no man be so Diabolick and Profane, as to charge this upon any of my perswasion, it being but my own, in which I hope, God hath approven me, and whom God Justifieth, who dare Condemn?

He protests against charging these his private Opinions upon the whole Party.

Now, if the Lord, in his wise and over-ruling Providence, bring me to the end of my Pilgrimage, and to my long looked for and desired Happiness, let him take his own way and time, in bringing me to it: And in the mean while, O my Soul, sing thou this Song, Spring up, O Well of this Happiness and Salvation, of all this eternal Hope and Consolation, and whilst thou art burthened with this clog of a clay Tabernacle, dig thou deep in it, by Faith, Patience, Hope and Charity, and withal the Instruments which God hath given thee; dig in it both by Precepts and Promises, dig carefully, and dig continually, ay and till thou come to the Source and Head of the

Fountain himself, from whence the Waters of Life flow forth; dig until thou come to the Assembly of the First born, when this Song is most suitably sung to the Praise and Glory of the rich Mercy and free Grace of the Fountain of Life; O my Soul, follow (in all this digging) the Direction of the great Law-giver; so shalt thou prosper in all thy taking of pains: O happy Nobles and Princes of Israel, who were admitted to the sight, and to the Song, to the pains, and to the praise, which none of the mixed multitude of Murmurers were admitted to because of their unbelief, Numb. 11. 17. And, O Father of Mercy, while I am tossed upon the turbulent Seas of manifold troubles, grant that thy presence may be with me, and that thy Everlasting Arms may be underneath me, to support me; for sure I am, Moses thy Servant had good reason to be importunate in this suit, Exod. 32. 2. compared with 14. and 15. v. Chap. 34. 9. Seeing no less could furnish him with fresh supplies in the work he was about. O let thy presence be with me, and then my Soul shall dig and sing, and sing, and dig through times of trouble into Eternal Rest, where I shall be admitted to behold the Rock Christ, one of whom floweth the pure Fountain and River of Life and Happiness, which I may drink, and not be dammed through the assaults of Satan, or the invasions of sin, or of a wicked world any more; now according to thy promise, Mat. 10. 19. Out of thy Fatherly Mercy, grant present help, supply, and direction in this time of trouble, seeing it is not to man that walketh, to direct his own steps, Jer. 10. 23. and though it be a hard thing rightly to distinguish betwixt Sin and Duty; yet thy Law, thy Word, and thy Truth which are quick and powerful, dividing asunder of Soul and Spirit, and is a director of the thoughts, and thy Law giveth light, Psal. 119. 105. Psal. 32. 8. For thy Testimonies, O Lord, are sure, making wise the simple, Psal. 19. 7. For thou alone canst make all thy Dispensations prove profitable, in order to the purging away of Sin, even when they seem to be destructive, Esay 27. 9. especially, when thou intends them not for destruction, but for tryal, Deut. 8. 2. 16. and for further Humiliation, for thou, O Lord, hast led me for many years through a barren and wearisome Wilderness, to the end, that thou mayst work thy work of Mortification in me, although, if it had seemed good unto thee, thou couldst have brought me into the Land of Promise and Rest a nearer way, Exod. 13. 17. For thou by hardships, many a time biddest Pride from men, and sealest up their Instruction, that thou mayst deliver his Soul from the Pit, and that his life may see the light, Job. 33. 17. And although thou, O Lord, shouldst send me the back blast, and tenor of my Life, to seek my Souls comforts, and encouragements from thence; yet I have no cause to complain of hard dealing from thy hand, seeing it is thy ordinary way with some of thy People, Psal. 42. 6. O God, my Soul is cast down within me, therefore will I remember thee from the Land of Jordan, and from the Hill Hermon, &c. Ten, the last time he brought me to the Banqueting-house, and made love his Banner over me (causing the cold High-land Hills beside Kipper, Nov. 1673.) he remembered his former kindnesses towards me; but withal he spoke it in mine Ear, that there was a tempestuous storm to meet me in the Face, which I behoved to go through with the strength of that provision, 1 Kings 19. 7. And now, O my Soul, seeing it is his ordinary way and method with thee, to send a shower, and a sunblink, and again a sunblink and shower; therefore, keep thou silent to God, and murmur not, fret not, be not disquieted, be still, and be content, seeing all my Persecutors can do, either by fraud or force, can neither alter the nature or kind of my sufferings, or add so much as a degree thereto, neither lengthen out the time of them for a moment, Mat. 10. 29. Exod. 12. 41. All Pharaoh's Power could not keep Israel one Night longer in Egypt, therefore it is my Duty to study with Paul, Phil. 4. 11, 12. Whatsoever state I am in, therewith to be content; and say, Should the Earth be forsaken, and the Rock be removed out of its place for me? Job 18. 4. Should God alter the course of his Providence for me, in which there is such an efficacy as to carry all things to the proper and appointed end, with an irresistible Power? And that I may be found in him, not as having my own Righteousness, which is of the Law, but that which is through the Faith of Christ, the Righteousness which is of God by Faith, Phil. 3. 9, 10. And to resign up unto God my will and affections, to be disposed as he pleaseth, and to say with Fear, Humility, and Reverence. O Father, not my Will, but thine be done; and whether I live or dye, I may be the Lords, that through his Mercy and Grace, I may attain to his approbation, viz. Well done good and faithful Servant, who hath hitherto sent his Angel, and shut the Lyons Mouth that they have not hurt me, Dan. 6. 22. and who hath so shut the eyes of my Persecutors

He prays for
God's assistance
and direction in
this time of
trouble.

And praises
God for his
Mercies to him.

And resigns
himself (as
much as words
can do it) in-
to God's hands.

with a Sodomitish blindness; that hitherto they could not find out the way, how to break in upon me; and I hope, he will in due time bring me out of the fiery Furnace, and shall not through his Grace, suffer the smell thereof to be found upon me; and if not, yet I never held it to be my Duty to Worship this rotten and stinking Idol of Jealousie, which these Nations have set up, who have killed both the Lord Jesus, and their own Prophets, and have Persecuted us, 1 Thes. 2. 15. For thou, O Lord, hast not abhorred nor despised my Afflictions, when I was Afflicted; neither hast thou hid thy Face from me, but when I cryed unto thee thou heardest me, Psal. 22. 24. Now, O Lord God, thou hast made the Heaven, and the Earth by thy great Power, and stretched-out Arm, Jer. 32. 17. Bring thou me at length to a happy arrival within the Gates of the New Jerusalem, where no unclean thing can come; that my praise may be of thee in the great Congregation. And although, as Job saith, Chap. 10. 17. That thou, O Lord, hast delivered me to the ungodly, and hast turned me over into the hands of the wicked, yet by this I know, that thou, O Lord, favourest me, because mine Enemies do not triumph over me; when I stand in Judgment, thou, O Lord, didst not condemn; and if it pleaseth thee, thou wilt not leave me in their hands, Psal. 41. 11. Psal. 37. 33. But canst bring up my Life from the Pit of Corruption, Jonah 2. 6. And seeing I have not preferred, nor sought after mine own things, but thy Honour and Glory, the Good, Liberty, and Safety of thy Church and People, although I may be now mis-constructed by many; yet at length, I hope, thou Lord, wilt make my Light break forth as the Morning, and my Righteousness as the Noon-day, and that Shame and Darkness shall cover all who are Adversaries to my Righteous Cause; For thou, Lord, art the Shield of my help, and the Sword of my excellency, and my Enemies shall be found Lyars, Amen, yea, and Amen.

James Mitchel.

Reflections on
the fore-going
Paper.

Mitchel's Arguments founded upon the supposed validity of the Judicial Law, which God gave the Jews, not as their God, but their Political Sovereign. Our Saviour's coming to break down the Wall of partition betwixt Jews and Gentiles, hath made the Jewish Oeconomy perfectly inconsistent with the whole design of the Gospel.

§. 9. **A**ND thus I have given you the whole Substance and final Conclusion of this most Villainous Paper, in which you find the Author Discourfing in some places like a Jesuite, in some like an Enthusiast, and in many places like both. And from the beginning to the end of it he Argues from the supposed validity of the Judicial Law, which God gave the Israelites, not as their God, but as their Political Sovereign, and which they on the other hand received from his Infinite Majesty, not on a Moral Account, as his Rational Creatures, or the Sons of Adam, or Noah; but upon the Account of the Civil Relation they had to him as Subjects, or his People in a Political sense. For the Jewish Government, as all their Writers agree, was a Theocratical Constitution, or the Temporal Kingdom of God; who was pleased to become Jehovah-Stator, and dwell among them in a visible external manner: In so much that the Judges, and Kings were but High-Commissioners, and Vice-Roys, who were Chosen, and Deposed by him at his pleasure, and like Moses and Joshua, his first two Generals, could neither make War, nor Peace, nor undertake any State-matter of great moment, without first asking Counsel of the Lord.

Sometimes he answered them by Messengers, or Prophets; sometimes by Dreams and Visions: but most commonly in the time betwixt Moses and the Captivity, by Urim and Thummim, which was a Political Oracle, appointed on purpose for the Judges, Kings, or Generals, or the whole Congregation to consult in Matters of State and War. But our Saviour, who came to break down the Wall of Partition betwixt the Gentiles and the Jews, threw his Father's Inclosure into the Common again, and put an end to his Political Government over the Jews. Who had they embraced Christianity, and continued in their Countrey, as one entire People to this day, would not have been obliged by their specifick Judgments, and Statutes, wherein their Civil, Criminal, and Military Laws consist. No, the whole design of the Gospel is so inconsistent with the Jewish Oeconomy, that it is impossible for Christians to observe some, ridiculous to observe others, and impious again to observe others of their Judicial Laws. Of the last sort are all those which God gave the Jews; as Carnifices Gentium; or Executioners of his Wrath upon the Seven Idolatrous incorrigible Nations, as likewise all those

those *Capital Acts* against *Idolatry*, as *High Treason* to his *Government*, and *inconsistent* with the *design* he had to be *King*, as well as *God* of the *Jews*, whom he set up as a *light* among the *Gentiles*, and secured them by those great *severities* from falling into *Demonolatry*, which was the *Catholique Religion* of the *World*.

This was the *general Opinion* of all *Christians*, till the *Romanists* began to argue by false *Analogy* from things and persons in the *Jewish*, to things and persons under the *Christian Dispensation*, and from them it was, that the *Presbyterians* first of all learn'd to defend *Murders*, *Assassinations*, *Rebellions*, and *Massacres*, as you see this *Villain* hath done.

Pope *Adrian* the Sixth mov'd the *Princes* of *Germany* to cut off *Luther*, and the *Lutherans*, because (forsooth) *God* cast *Corah* and his *Company* down into *Hell*, and commanded, that all those should be put to death that would not obey the *High Priest*. And as *Davila* relates in the *Ninth Book* of his *History*, the *Pope* compared the *Duke* of *Guise*, that *Patron* of the cursed *League*, to *Judas Maccabees*, and the *Jesuites* complemented him with the name of *Gideon*, and bid him go on, and prosper in the name of *God*. According to which damnable notion of false *Zealotry*, when they *Consecrate* an *Assassine* (as *Hospinian* hath proved they sometimes do) to *Murder* an *Heretick Prince*, they Solemnly *Consecrate* him to the work of the *Lord* in such a like form as this. *Thou Elect Son of God, take here the Sword of Gideon, the Sword of Jephthah, the Sword of Sampson, the Sword of David, the Sword of the Maccabees, go, and be of good courage, and the Lord strengthen thy Arm.* Can any thing be more like Mr. *Mitchel's* Justification than this? Would not one think his *Soul* had entred into that *Secret* of the *Jesuites*, seeing he hath not acted only like one of their *Assassines*, but written his *Apology* with their *poisoned Ink*. If *Father Brown* the *Jesuite*, that *Preach'd* among them so many years, had penn'd it, could it have savoured stronger of the *Society of Jesus*, or become such an *Author* better than it doth? He boasted on his *Death-bed* at *Ingeston-bridges*, that he had *Preached* as down-right *Popery* in our *Field-Conventicles*, as ever he had *Preached* in *Rome* it self; and had he been the *Author* of this *Paper*, he might have also boasted, to the comfort of his departing *Soul*, that he had written as true a *Papistical Pamphlet*, as ever was written in the *Romish Church*. I think there is great *presumption* to assert, that the *Father* might help to indoctrinate *Mitchel* in this *Mystery of Iniquity*; but if he did not, yet both he and the *Author* of *Naphthali* might invent these *Doctrines* without consulting *Jesuites*, seeing it is the *Cabala* of their own *Self*.

The Papists first began to Argue by false Analogy from things and persons in the Jewish, to things and persons under the Christian Dispensation. Several Instances of most execrable villainies encouraged and justified upon that ground.

Mr. Mitchel's Justification as down-right Popery, as if it had been writ by the Pen of Father Brown, or any other Jesuite.

For this way of Arguing to do mischief from the *Judicial Law*, was the *Logick* of This way of our most *Primitive Presbyterians*, which hath ever since caused so much *ruine* and Arguing to do mischief from the *Judicial Law*, was the *Logick* of the most *Primitive Presbyterians*.

For in the *Convention* at *Edinburgh*, *Jan. 1560.* for *Ratification* of a new form of *Church-Policy*, it was *Enacted*, that all *Monuments* and *Places of Idolatry*, by name *Chappels*, *Cathedral Churches*, and *Colledges*, should be suppressed, whereupon through

the instigation of *John Knox*, ensued (saith my c *Author*) a pitiful *Vastation* of *Churches*, and *Church-buildings*, so that the *Libraries* nor *Church-Registers*, nor *Sepulchres* of the *Dead* were spared. And some ill-advised *Preachers* (saith he) did animate the *People* in their *Barbarous proceedings*, crying out, that places, where *Idols* had been *Worshipped*, ought by the *Law* of *God* to be destroyed, and that the sparing of them was the reserving of things execrable; as if (he subjoyns) the *Commandment* given to *Israel* for destroying the places where the *Canaanites* did *Worship* their false *Gods*, had been a *Warrant* for them to do the same. I confess the *Council of Carthage*, in the time of *Honorius*, Decreed, that the *Emperors* should be *Petition'd* to *raxe* the *Temples*, and *destroy* the *Reliques* of *Heathen Idols*; but it was because in *Maritime*, and other places of *Africa*, *Idolatry* was yet professed in them, and not from any sense of *Duty* incumbent upon given them from the *Mosaic Law*. For that as well as the *Datin* and *Greek Churches* had converted the *Temples* of *Idols* into the *Churches* of *Christ*; but as for the *supernumerary* useles Company of them, which remain'd as *Snares*, and *Monuments* of the *Domination* which the *Devil* had had in the *World*, they thought it both for the *Honour* and *Interest* of *Christianity*, that they should be taken away.

Spotsw. &c. in Anno 1560. L. 3.

Can. 62.

Of which several notable Instances are given.

In

to the following year, 1561. although Queen Mary had agreed with the Council, That She should have her own Services in her own Chappel, yet the next day, when the *2 Papers* were carried through the Court, a Zealot of Mr. dSpotf. &c. L.4. *Mittbel's Principles* fell upon him that bore them, and broke them all in pieces, and had not the Tumult been timely suppressed by some moderate Spirits, abominable Barbarities had ensued, for some maintain'd, that if right were done, Her Majesties Priests should have been slain, according to Gods Law against Idolaters. It would be endless to trace these Principles down from the time of the Original Presbyterians to these unhappy days; you may see enough of them in the *Parliament Sermons*, and innumerable other Pamphlets of the late Times. How often did the late Presbyterian Preachers Commend the House of Commons for their Zeal, and ransack the Old Testament for Examples and Precepts to persuade the giddy Vulgar, that the Rebels fought the Lords Battels, and that their Cause was just. How often did they compare the most active of them to Gideon, Samson, and Phinehas, and complement the Worthies of the late long Parliament in England, as Gregory the 15th. Complemented the last King of France, when he raised an Army for the extirpation of the Protestants, in the Glorious Name of the Lord of Hosts? Did not that darling of the Faction, Mr. Calamy, in the Bloody Speech which he made in 43. at the Guildhall of London, to the Citizens, (to persuade them to contribute largely towards the bringing in of our Scottish Army) justify himself from the objection of his own tender Conscience, that he being a Minister of the Gospel, should stir them up to make War, by taking an Apology from Numb. 10. and Deut. 20. where God Ordained, that the Sons of Aaron the Priests should found the Alarm with the Silver Trumpets, and that the Priest should make a Speech to encourage the People going out to Battel to fight for the Lord of Hosts. So that Naphthali, Nebuchstan, and Mitchel's Papers are but the last improvement of the Presbyterian Logic and Zeal, which makes our Conventicle-Preachers ride about with Guards, like petty Princes, and their followers, more like Souldiers than Christians, come Armed by Thousands into the Field.

The Whigs arrived to the highest pitch of Enthusiasm, and are as ready to do as much for the *Spiritual*, as the Fifth-Monarchy-Men are for the *Temporal* Kingdom of *Jehus*.

Scotland indebted to the Duke of *Lauderdale's* Wisdom and Conduct for its Peace and Quiet, who had a very Glorious Reception; but soon after his arrival was surprized with the News of great Infidelities, &c.

The Duke of *Lauderdale's* good Intentions at the Parliament in 1674. (the being then His Majesty's High Commissioner) frustrated by the unreasonableness of some Discontented Men.

§. 10. They are now arriv'd at the highest pitch of *Enthusiasm* and *Bigotry*, and are as ready upon all occasions, to do as much for the *Spiritual Crown of Christ*, which they think inconsistent with the *Mitre*; as the Men of the *Fifth Monarchy Principles*, are ready to do for the *Temporal Kingdom of Jesus*. So that if God in his good *Providence* had not sent down the Duke of *Lauderdale* among us to prevent the *storms* that were ready to arise, in all humane *probability*, this *Kingdom* had been involv'd in such a violent *Rebellion*, as could not have been quell'd without *extrinsecal force*. His Grace came hither without any prospect of *trouble*; and the incredible numbers of *Nobility* and *Gentry*, that throng'd to meet him several days Journey on *English* ground, were enough to make him *presume* that all would be *quiet* and *serene*. But he had not been many days among us, when he was *surpris'd* with the *News* of great *Insolencies*, and *Disorders* caused by the *Field-Conventicles* in the *West*.

Now, to make you understand what *Wind* blew up that *secret flame*, and how those *evil Principles* probably came to be put into *fermentation*, I must lead you back to the year 1674, when some, whose *discontents* far exceeded their *Causes*, under the old *pretence* of redressing *Grievances*, did design *something else*, and thereby almost rendered the *Parliament* useless for the *Publick ends*, for which it was called.

The Duke of *Lauderdale* was then His Majesty's *High Commissioner*, and there was not one real *grievance*, of which he himself did not propose the removal; nor any one pretended, concerning which he was not willing to *transact*: And if it were found to be really such, to have it redress'd in an *orderly, fair, and legal manner*, according to the *Fundamental constitutions of the House*. But this would not satisfy their *discontents* (which enough demonstrates, that something else was designed besides the removal of *Grievances*) whereupon his Grace returning to *Court* to give an Account of Affairs to his *Royal Master*, such great *Confusions* appeared among us, as naturally follow *palmed discontents*. Then did *Wells*, and other declared *Traitors*, take the confidence to *French openly in Rife*, and *Fleet-dale*, which before had been *orderly places*; and there they were *restrained and encouraged to Debauch the People from their Duty to the King, and the Church*. And if these bold *Attempts*, and disorderly *Practises* had

not then been timely quell'd by Grace's care and conduct, it is easie to divine to what eminent hazard our Peace and Government had been expos'd.

Whether our Fanaticks were then under-hand encouraged to commit these Insolencies, by designing Malecontents, time the revealer of Secrets may shew; but it is beyond all peradventure, that scandalous and unseasonable divisions caused by nothing but Envy and Discontent, did then animate, and embolden them to these turbulent Practices; and therefore it seems not improbable, that the same Discontented Party envying the Duke his glorious Reception, and the just esteem he hath with his Prince, and intending to frustrate his best Counsels and Endeavours for preserving this, and by consequence the Kingdom of England in Peace; have now Conjured up the Fanatical Spirit again, to act in more insolent irregularities, than at any time heretofore. But let the Cause be what it will, the Conventicles were never so numerous and frequent, as they now began, and sometime after continued to be in Fife, Clidisdale, Trivisdale, Galloway, Sterling-shire, and Carriſt; the last of which Shires had always been peaceable and orderly till now, when they all conspired to invade the Publick Peace. At these Field-Conventicles would meet sometimes five or six thousand, sometimes eight or nine thousand at a time, as many of which as were fit to bear Arms, and could provide them, never failed to come appointed into the Field. For this Reason our Laws and Proclamations stile these Field-Meetings Rendezvouses of Rebellion, which is as modest a Name as they can deserve. For most of the Principal Preachers among them, as Welsh and Arnott, are either attainted or declared Traytors, and were Actors in the Rebellion of 66. and the Harangues (for I will not call them Sermons) which they make to the People, tend to nothing but to make them Rebel, and possess them with hatred against the King and the Church. In October last at Sanchil in Carriſt, Mr. Welsh, attended with seven or eight Seditious Preachers, made a Preachment to the Principal Division of a multitude upwards of 7000 People, upon St. John 11. 34, 35. In this Preachment, among other Treasonable stuff, he spoke these words. The King, the Nobles, and the Prelates, are sure the Murderers of Christ; and then sitting down in his Chair, he said, Oh People, I will be silent. Speak, O People, and tell me what good the King hath done since his home-coming; yea, hath he not done all the mischief a Tyrant could do? At another Conventicle not long after, he spoke thus, or to this purpose; That he was confident, that God would yet assert the Cause of Pentland-Hills, in spite of the Curates (for so they call the Orthodox Ministers) and their Masters the Prelates, and in spite of the Prelates, and their Master the King, and in spite of the King, and his Master the Devil.

But to proceed; at these Field-Meetings they Administred the Solemn League and Covenant to the People; and made them swear never to hear the Orthodox Ministers more; and in a most Popish manner, gave them the Sacrament thereupon. They also kept Classical Meetings, where they ordained Ignorant and Factious striplings, and by an unparallel'd Act of Schism, took the Confidence to re-ordain one Mr. John Cunningham, who was formerly ordained Presbyter by the late Lord Bishop of Galloway; and likewise presumed to receive the Hypocritical Confessions and Repentance of such as they had persuaded, or suborned to confess the great sin of joyning in Worship with our Church. They admitted Ruling Elders in several Precincts, and with incomparable Impudence proceeded to Institute, and induct Preachers of their Tribe, both into vacant and full Churches; according to Mr. Mitchel's Judgment, who asserts in his Apology, that every Parish ought to choose its Preacher, and that Patronage is but a Popish Rite. They also confiding in their numbers, proceeded in manifest contempt of Authority, to erect Preaching Houses; particularly in Carriſt and Galloway, where Persons of no mean Quality and Interest, harbour'd and caressed those great Apostles of the Cause, Welsh and Arnott, who ride about these disaffected Shires in great State and Security, with Guards, consisting of forty, fifty, or greater numbers of Horse. From these Insolencies they proceeded to invade the Houses, and menace the Persons of some Orthodox Ministers, whom Mr. Welsh declared either in a Conventicle, or Presbytery, somewhere in Carriſt, that it was as Lawful to kill, as for the Israelites to kill the Canaanites, if they complained to the Men (for so he called the Magistrates) in Power. These out-rages so frightened the Orthodox Clergy, that many Ministers forsook their Charges; and some of our Bishops, who lived in those distracted corners, were forced for their Security, to repair to this Town. Thus all things seemed to run into Confusion; and if excellent Methods had not been used to prevent the sequel of

But the Confusions which threatened to follow prevented by his Grace's Care and Prudence.

Envy at the Duke's Honourable Reception, his Credit with his Prince, and his unwearied Endeavours for the Preservation of the two Kingdoms the ground of the present Troubles, &c.

Treason and Rebellion openly Preached in the Field-Conventicles, which before were never so numerous and frequent.

The Solemn League and Covenant administered to the People at the Field-Meetings.

In contempt of Authority they erected Preaching-Houses. Welsh and Arnott ride about the Countrey with Guards of 50 or 60 Horse. Some of the Orthodox Ministers (whom Welsh had declared it was as Lawful to kill, as it was for the Israelites to kill the Canaanites) were so terrified, that they left their Charges.

such dangerous beginnings; the Faction by this time had grown into a formed Party, and disputed the Cause with an Army in the Field.

Proclamations issued out to put the Laws in Execution against Conventicles, but the Sheriff and Bayliffs refused to Act.

§. 11. The first thing the Privy Council did, was to issue out Proclamations for the execution of the Laws against these Conventicles; and to use all means possible for seizing the Persons of Welsh and Arnott, and other Seditious Preachers: But the former were rendered ineffectual, the Heritable Sheriff, and Bayliffs, and other Officers of the Seditious Districts refusing to Act; and the latter could not be brought to effect, because the Preachers are always so strongly Guarded in Publick; and in private shelter themselves with such Superstitious adorers of their Holy Persons, as none of the proposed Rewards can tempt to betray. Disorders thus continuing, the Council acquainted His Majesty with the dangers they threatned, and humbly moved him to send speedy Orders, that a considerable number of his Irish Troops should march to the Maritime Borders next adjacent to Galloway, and the Western Shires, to be ready for Transportation if occasion required. His Majesty, who was long since acquainted with the Spirit and Principles of our Remonstrator-Presbyterians, in compliance with the wholesome Advice of his Privy Council, immediately ordered, that a well-appointed Party, of about 3000 Horse and Foot, should be sent under the Conduct of the Loyal, and Valiant Viscount of Granard, our Countrey-man, to quarter upon the Maritime Borders, and to march at the Command of the Privy Council here. This particular care of His Majesty, and the approach of the Forces, did very much surprize the Fanatical Party, who were made to believe by the Malecontents, that the Duke had no Interest at Court, nor was capable to procure any extrinsical assistance, although they should Rebel. The Irish Forces being arrived upon the Coasts, the Council were resolv'd to try what fair and gentle means would do; and thereupon directed Letters to the Heritors (whom you call Land-lords) of Ayr and Renfrew, to know if they would undertake by their own Power to reduce these disorders, having the King's Authority for that effect. The Heritors met in a full Assembly, and after two days consultation, returned Answer by three Noble Lords, whom the Council had sent to attend them, that they could not undertake by their own Power to keep the Countrey free from Conventicles, or any disorders that might ensue thereupon.

3000 of His Majesties Irish Troops under the Command of the Viscount Granard, Ordered to march to the Maritime Borders.

The Heritors commanded to repress these Disorders by their own Power, but they Answered, they could not do it. Land-lords in Scotland have a far greater Power over their Tenants, than they have in England.

An Army raised in Scotland, under the command of the Earl of Linlithgow, to reduce the Fanatics to their Duty by force.

A Committee of the Privy Council sent with the Army into the Western Shires.

You must know that our Land-lords have far more Authority over their Tenants, than yours; insomuch, that in the most disaffected places, there are no Conventicles, where the Heritors and Superiors use their private Authority to keep the People constant to the Church. All the World here knows, that there is not a more Fanatical Shire in this Kingdom than Murray; and yet by the single Authority and Interest of that most Loyal and deserving Person the Earl of Murray, it is kept in as perfect Order and Obedience, as if there were no Conventicles in the World. But, as for the aforesaid Shires, the Council expected no such Answer from them, because they of all others have had most Indulgence, as having Non-Conformist Ministers legally settled in very many Churches among them; which one would think, if that Party had any Reason, Modesty, or Conscience, might have kept them from troubling the Publick Peace. Therefore the Council having received such an unreasonable Answer from the Heritors of these more Indulged Shires, concluded what returns they might expect from others; and therefore began now to think it was high time to reduce them to their Duty by force. Whereupon, knowing that the body of this Kingdom was Loyal, they resolved rather to reduce the Fanatics by our own intrinsical Power, than to call in His Majesties Irish Forces, unless there should be absolute need. Wherefore, to the King's standing Forces, they added the Militia of the most Loyal County of Angus, and admitted the Auxiliary Forces, which several Loyal Lords that have Interest and Authority in the Highlands, did proffer to raise out of their Vassals and Dependents for His Majesties special Service in this critical exigence of Affairs. And by His Majesties special Approbation and Command, they were all united into one Army, under the Conduct of the most Valiant and Loyal Earl of Linlithgow, who towards the latter end of last Jan. marched into the Western Shires.

And that all things might be transacted in a Fair, Legal, and Orderly manner; there is also sent along with the Army a Committee of the Privy Council, consisting of Eleven Right Honourable Persons, who are invested with sufficient Power, Civil and Criminal, to punish all sorts of Offenders, and are now steddily pursuing those great

great ends for which they were sent *thither*. There's a strict Correspondence betwixt them and the Privy Council, to whom they send frequent accounts of their Proceedings, and from whom they receive such measures and directions, as may most conduce to reduce and secure those disorderly Shires. To which purpose, in the first place, they proceed to disarm them, causing all suspected Persons to deliver their Arms (whereof great Provision was made) to their respective Sheriffs upon Oath, who are to deliver them to the Major-General, and to be sent by him to His Majesties Garrisons. They have likewise Order to plant Garrisons in what places soever they shall think fit, and have proceeded to do Execution on the new built Meeting-Houses, those Temples of Baal Berith, by Commanding that they should be pulled down, and that their Materials should be burnt. They are likewise to tender a Bond to be taken by all Heritors, wherein, as Masters of Families, they are to be bound for themselves, their Wives, Children, and Servants, and, as Land-lords, for their Tenants and Cottagers, that they shall not go to Conventicles, nor receive, or supply Conventicle-Ministers, but live orderly in Obedience to the Law; so that if their Wives, or any of their Children or Servants Transgress, they will be bound to undergo the Legal Penalties for them. But in case their Tenants or Cottagers Transgress, they will be bound to present them to Justice, or turn them off their Tenements, or else to be liable to the Penalties they shall incur.

They have Orders to plant Garrisons, and pull down the new Meeting-Houses, &c. and to tender a Bond to be taken by all Heritors, &c.

The form of this Bond, or Civil Anti-Covenant, was drawn up by the Privy Council, and is as followeth:

I *under subscribing, do faithfully bind, and oblige me, That I, my Wife, Bairns, and Servants respectively, shall no ways be present at any Conventicles, and disorderly Meetings in time coming, but shall live orderly in Obedience to the Law, under the Penalties contained in the Acts of Parliament made there anent. As also, I bind and oblige me, that my whole Tenants and Cotters respectively, their Wives, Bairns, and Servants shall likewise refrain, and abstain from the said Conventicles, and other illegal Meetings not Authorized by the Law, and that they shall live orderly in Obedience to the Law. And further, that I, nor they shall receipt, supply, or commune with forfeited Persons, intercomunured Ministers, or Vagrant Preachers, but shall do our utmost endeavour to apprehend their Persons. And in case my said Tenants, Cotters, and their forebears shall Contravene; I shall take, or apprehend any Person, or Persons guilty thereof, and present them to the Judge Ordinary, that they may be Fined, or Imprisoned therefore, as is provided in the Acts of Parliament made thereanent. Otherwise I shall remove them, and their Families from off my ground. And if I shall fail herein, I shall be liable to such Penalties as the said Delinquents have incur'd by the Laws, consenting to the Registration hereof in the Books of His Majesties Privy Council, or Books of any other Judges competent, that Letters and Executories may be direct hereupon in form as Effects and Constitutes my Procurators.*

The form of the Bond:

This is the tenor of the Bond; and lest the force thereof should be eluded, the Privy Council have declared, That every Heritor, that shall receive into his Lands, or Service any Tenants, or Servants of any other Heritor, without a Certificate from him, or the Minister of the Parish where they liv'd, that they lived orderly, as to this matter, shall be subject to such Fines as the Privy Council shall think fit to inflict to punish them for their Crime, and repair the damage that shall accrue to the Heritor, or Master whose Tenants or Servants they did receive. All the Lords of the Privy Council, and the Judges (whom we call the Senators of the Colledge of Justice) together with the Advocates, Writers, and all others belonging to the Society of the Lawyers, have taken this Bond, as also the Lords of the Exchequer, and the Justiciary Lords, which is a very prevalent Example, and little doubt is made, but the generality of the Subjects of the Nation will cheerfully sign it; as being so beneficial to Authority, and so proper an expedient to recover the Common People into their Wits. And it cannot possibly give the least umbrage of scruple to the Conscience of the most weak or peevish Dissenter; being nothing but a purely Civil alternative Obligation, to do what the Law requires, or submit to the Penalties therein contained. Perhaps it may seem strange in England, that

The preceding Bond taken by the Generality of the Kingdom.

that a *Land-lord* should be bound in this manner for his *Tenants*; but there is nothing more *reasonable*, and *customary* here; because our *Heritors* have such a *despotic Power* over their *Tenants*, as you cannot well imagine, unless you had lived *here*.

If any refuse to take the Bond, they are to give Security, that they, their Wives, &c. shall keep His Majesty's Peace, &c. which if they refuse to do, they are to be *Horned*.

And in *case* any Persons shall finally *refuse* to take this *Bond* (as some *Fife*, and *Western Gentlemen* have made *difficulty* at it.) The *Privy Council* (according to the *Legal* and *uncontroverted Practise* of that *Board* in all *Ages*) hath ordained, that *Letters* shall be directed to them, to *charge* them forthwith to give in *Security* to His Majesties *Privy Council*, that *They*, their *Wives*, *Children*, *Tenants*, and *Servants*, shall keep His Majesties *Peace*, and particularly that they shall not go to *Conventicles*, nor harbour *Rebels*, nor *intercommuned* Persons, and that they shall keep the *Persons*, *Families*, and *Goods* of their *Regular Ministers* harmless, under the *double* of every mans *valued yearly Rent*, if he have any, or of such *Penalties* as shall be thought *convenient* by His Majesties *Council*, or their *Committee*, if they have *none*; which if they shall *refuse* to do within *six days* next after the *charge*, they are to be declared His Majesties *Rebels* (as the manner is here) with the *sound* of an *Horn*.

To conclude, the *Committee* is to proceed to the *condign* Censuring of *such*, as shall appear upon *proof* to have harboured *Welsh*, or *Arnott*, or other *intercommuned* Persons, and such also as have *invited*, or *convocated* the *filly* People unto the *Field-Assemblies*, under *pretence* of hearing *Sermons*, and such as contributed by *Money*, *Work*, or *Materials* to build the new *Samaritan Synagogues*; two of which the Earl of *Cassels* was commanded to demolish in *Carriè*, as was his *Duty* to have done before.

All this done by the *Wise Conduct* of the Duke of *Lauderdale*, whose *vigorous Endeavours* to suppress this *Faction* have been such, as will confute all those lying and malicious *Reports* concerning his *Grace*. The *Narrative* returns to *Mitchel*.

All this hath been done under the *wise Conduct* of the Duke of *Lauderdale*, to whose *presence* among us, next under *God*, this *poor Church* and *Kingdom* are *redeivable*, that they have been preserved from *Confusion* and *Blood*. And I question not, but his *Vigorous* endeavours to suppress this *Schism* (the like whereof in all *respects* was never yet heard of in any *Age*, or *Nation*) have by this time *effectually* Contuted all the lying *Reports* that were sent into *England* by our Men of *Schism* and *Faction*, with a *Design* to render him *odious* in our *Neighbour Country*, and *discredit* his *administration* here.

§. 12. But I beg *Mr. Mitchels*, and your *Pardon*, for leaving him so long. I could not forbear to interfert this *Account* of his *Western Brethren*, whose *Confessor* he liv'd, and whose *Martyr* he dy'd. I'll now return to *visit* him again, and leave him no more, till I see him in his *Grave*.

In the *interval* betwixt his *Condemnation* and *Execution*, he *seldom* spoke of his *approaching* Death, but as of a *Martyrdom* or *Murder*; and *glory'd* that he was accounted *worthy* to suffer for *Christ*. This is the *stile* of his *short Speech*, and the frequent *Visits*, *Papers*, and *Messages* that he received from the *Brotherhood* to dye with *Courage* in the *Cause*, and to Seal the *Truth*, that is, the *Covenant*, with his *Blood*, together with the frequent *Debauches* which he made with *Ale*, *Wine*, and *Brandy*, contributed *very much* to heighten his *obstination*, and make him insensible of his *Crime*.

You cannot imagine how much the *Fanaticks* of all parts were concerned about him. From the *West* a private *Message* was sent to the *Arch-Bishop*, to assure his *Grace*, That if *Mr. James Mitchel* were *hang'd*, another should not fail to execute his *Design*. His Majesty's *Advocate*, who pursu'd him, received a *threatning anonymous Letter*, and the *common talk* of this *Town* was, that *Mr. James Mitchel's Blood* should be *reveng'd* upon the *whole Order*; and truly I doubt not, but if all the *Fathers* of our *Church*, and all the *Clergy* under them had but one *Neck*, that there are at least 300 *Covenanted Mitchels* behind, that would *strive* to cut it off.

In the Year 1668. when he made the *Attempt*, the *Fanatical Party* made a *sport* of it; and as if the *Ruine* of the *Church* were sure to follow upon it, many fair *pretenders*, that out of *compliance* to Authority, had hitherto given our *Bishops* that particular *veneration* that was due to their *Character*, began now to *slight* them, and would scarce give them that *common respect* which was due to other *Men*. The like *change* was observed upon the late *Insolencies* of the *Whigs* in the *West*; the *respect* of our *Bishops*, and *Episcopal Clergy*, began visibly to *decay*, and some that were then in a *condition* to do the *Faction* a kindness, had the *confidence* to say, that they knew no

Reason

Reason there was to oppose the *inclinations* of the People, to support about a dozen Men.

And while this *Martyr of Iniquity* lay in *Goal*, the mouths of our *Fanaticks* were full of railing against the *Bishops*; and the *Rascality*, who are often taught to speak the *sense* of greater *Persons*, were heard to say, that it were better the *Primate* should be hang'd than be. In the *Octave* betwixt his *Sentence* and *Execution*, he received, as I was credibly inform'd, 400 *Dollars* in *private* gifts, which was interpreted by the *Party* for the particular care that God had of him, who never sees the *Righteous forsaken*, nor his *Seed* begging their bread.

Mitchel betwixt his Sentence and Execution receives in private gifts 400 Dollars.

The day before his *Execution* he sent to the *Provost*, or *Mayor* of *Edenburgh*, to desire a *Stage* larger than *ordinary*, because he had a great number of *Friends*, that intended to appear at his *Execution* in *Mourning*: But his *Lordship* was more *honest* and *prudent* than to grant the *vain-glorious* Villain his desire. When he was upon the *Ladder*, he called the *Psalm* to be sung, which if you do not remember, I desire you before you proceed, to consult. When the *Psalm* was ended, he took out of his *Psalm-Book* two *Copies* of his intended *Speech*, which he threw among the *People*, for there had he put them to elude the search. After his *Body* was cut down, it was conveyed to *Magdalen Chappel*, from whence it was carried to *Burial* in great *Pomp*, being attended with at least 40 *Mourners*, whereof the *Justice General's Gentleman* was one. 'Tis Reported also that the *Herse-cloth* was of *Velvet*, but certain it is, it was more than *ordinary* brave.

His Execution,

The *Evening* before his *Execution*, Information was brought to the *Provost*, that the *Women* of *Edenburgh* (I mean the *Fanatical* part of them) had entred into a *Conspiracy* to *Rescue* him between the *Prison* and the *Gallows*; which obliged his *Lordship* to provide extraordinary *Guards*, capable to prevent any such *Design*. This Information was well grounded, if it were not true, for there was never seen such an appearance of that *Sex* at any *Execution*, as was at his, where a *Body* of at least seven hundred *Sisters* stood together almost in *Rank* and *File*.

An Information brought the Night before his Execution to the Provost, that the Women of Edenburgh intended to rescue him out of the hands of Justice.

The next *Morning* after his *Execution* there were several *Copies* of his *Speech*, and several *Libellous* Verses put up in several *places* of the *City*, one *Copy* whereof made by some *Fanatick Poetaster*, and fixed upon the *great Cross*, I here send you, with an *Answer* thereto, which was made about two or three days after, by a *better Poet*, and *better Principled Man*.

Deploratio Mortis Jacobi Mitchel.

Heu quo jura ruunt? & sicine candida Virtus,
Et Recti decessit amor? tibi Scotia multas
Perdida Gens parat insidias, rituque Profano
Polluit Impietas sacra; membra piorum
Ab truncata jacent; qui sacri fœdera pacti
Non ausi violare; fidei rectique tenaces
Perstiterant; quo tanta ruunt perjuria? Quassam
Funditis an tentant Solymam convellere, magni
Gens secura Dei, speciosaque Templâ Sionis
Diruere, obductis involvens cuncta tenebris?
Quo ruit Impietas? vanas sic ibit in auras
Pacta fides? Perjura manus coit omnis in unum
In scelus horrendum; sævos feritate Leones
Mittit in Occasum, suscepta ut fœdera Regni
Deleat, & Christi prædetur ovile; cupido
Namque tenet lucri nunquam satiata, nefandum
Proh Scelus! an Pharias miseri remeamus ad oras?
Anne iterum nostræ sic Relligionis habenas
Papa Reget? nunquamne aderit Deus ultor, inulti
Dum pereunt justî, dextrâque ultrice furorem
Comprimet? hunc rabiosa lupi non terruit ira.
Fraudibus occultis, odiisque immanibus annos
Quatuor afflictum, non cæco carcere clausum
Vincula terrebant, vinculis cruciatus in artibus
Perstitit, exiliisque tulit mala cuncta, reductus.
Jus rigidum perpeffus obis; quæ cætera nescit?

Finis.

K

A Copy of Verses in favour of Mitchel.

Epitaphium

Epitaphium ejusdem, ubi ipse introducitur loquens.

*Quo vesana ruit gens, & vis effera præceps?
 Quo ruit impietas, & sine lege furor?
 Rebus an intrepidus constantia victa fatiscit?
 An metuit vanas mens labefacta minas?
 In te fixa Deus mea spes, te intentus anhelor,
 Intrepidus carpam te duce mortis iter.
 Sævus at iste lupus, quia mens intelligit, inde
 Se sciat in magnum tela movere Deum. Finis.*

Quo autem modo hæcenus mortuo (cui soli Epitaphium ex vi vocis debetur) carpendum sit mortis iter, confederatis fratribus problema esto.

Congratulatio de morte Jacobi Mitchel Parricidæ.

IN te jura cadunt, quia à te candida Virtus
 Et Recti decessit amor; tibi Scotia pænas
 Perfidæ Grex! meritas parat: ab quæ more profano
 Fædasti Christi sacraria, membra piorum
 Tu truncata dabas, tu sacri fœdera pacti
 Ausu novo violare; fidei rectique tenaces
 Exilio multans; tua sic perjuræ quassam
 Tentabant Solymam convellere funditus, alti
 Gens secuta Dei! Speciosâque Templâ Sionis
 Dirus; obductis involvens cuncta tenebris.
 Huc ruit impietas, tenues sic ivit in auras
 Pacta fides; perjuræ manus coit omnis in unum
 In scelus horrendum; sævos feritate Leones
 Mittit ab Occasu, susceptæ ut fœdera Regni
 Deleat, & Christi prædetur ovile; Cupido
 Namque tenet lucris nunquam satiata, nefandum
 Probat Scelus! in Pharias remearimus oras,
 Atque iterum nostræ sic Relligionis habenas
 Papa regebat; adest nunc, nunc Deus ultor, inulsi
 Ne pereant justî, dextræque ultrice furorem
 Comprimet. Hunc Divina lupum non terruit ira,
 Fraudibus occultis odiisque immanibus actum;
 Grassantem rabie, solitæque cupidine cædis.
 Horrui ejectum Patria peregrinus, at æquum
 O cælum! exilii postquam mala tanta tulisset,
 Tormenta in Patria atque homicidæ vincla parantur;
 Tandem perstringunt sceleratum vincula collum.
 Exitus hic dignus tam prodigialibus ausis.
 Jus æquum perpeffus obit; sed cætera nescit,
 Æternos quisquis nondum damnatur ad ignes. Finis.

Epitaphium ejusdem, ubi ipse ab inferno introducit loquens.

*Quod vesane ruit Grex, & vis effera præceps?
 Quo ruit impietas, & sine lege furor?
 Heu mea sero nimis constantia victa fatiscit,
 Sera, sed atroci fœnore poena venit.
 Jam Coelo extorri terror Deus ipse; coquenda
 Dum manus in Stygio Sanguinolenta lacu.
 Christi si quis adhuc lupus expugnator Ovilis,
 Se sciat in magnum tela movere Deum. Finis.*

Isdem pena verbis convellitur quibus adstruitur impietas. Ambros.

There

There was also a severe Satyr in *Scottish* made in Revenge to the many Libels, which the Fanaticks scattered about Town upon this occasion. I got a Copy of it, which I here present unto you, Entitled as it was to the Memory of Mr. James Mitchel.

A *Scottish* Satyr upon the whole Whiggish Party, Dedicated to the Memory of Mr. Mitchel.

O-Y-E-S, O-y-es, Covenanters,
Filthy, Cruel, Lying Ranters;
Come here, and see your Murdering Martyr
Sent to Hell sth' Hangmans Garter.
Your sealing Witnesses we hear
Are Mr James Mitchel, and Major Weir:
One with his hand, but had no pith,
Th' other your Wives know well wherewith,
Which makes them sigh, and sighing say,
Welsh can but Preach, but Weir could pray.
It's this that all Religion shames,
To give Hells Vices Heavenly names.
Then Devils, then cast off your Masks,
Murder and Whoredom are your Tasks;
Which you to all the World proclaim,
Boasting, and glorying in your shame,
And say, your Covenant doth allow
This, *Maugre* your Baptismal-vow,
And that the Holy Oath doth bind you
To leave such Holy Seed behind you.
For at, and after your long prayers,
* You lye together pairs by pairs,
And every private Meeting-place
Is made a Bawdy-house of Grace y
You shew it is your loving Natures,
To be sweet fellow-feeling Creatures.
But to profane your Holy Order
With Incest, Buggery, and Murder,
Is plainly to proclaim you Devils,
And horrid Crimes to be no Evils.
Mis James Mitchel lay four year
In Grissald's House with Major Weir;
And from his Ghostly Father learns
To lye with Women, and get no Barns,
The Mystery of the Tribe, a Trick
Makes all the Women mad-Fanatick,
And now they both in Hell are met,
Where for your Company they wait.
Then fill your measure, and Post on
To your deserv'd Damnation.
Go Whore, and Bugger, Kill, and Pray,
Till every Dog shall have his day;
Or go together to Hell in Troops,
Else strive for new Grass-Market-loops;
He that Whores best, and Murders most,
Of him the Sect shall always boast.
And put him, as they've put Mis James
Among their Saints and Martyrs Names.

* Which is so far from being a Poetical Fiction, that I have heard the late Earl of Weems say, that in *Fife*, after their *Conventicles* were done, they would lie together under the *Bushes* as familiarly as *Man* and *Wife*.

You

The Riches of the West the Reason of the great number of Preachers that are found in that Country
The same Magnetism draws to many Non-Conforming Ministers to London.

YOU see the *Latin Verses* take notice of the *West*, as a place above all others of this Kingdom, wherein *Fanaticism* most abounds. This must needs awaken your *Curiosity* to enquire from what *Magnetism* it is, that our *Conventicle-Preachers* have acquired such a strong *verticity* to that point. Truly, the Reason is the same for which yours haunt *London*, and the most opulent Towns and Counties of *England*, even the *Kitchens* of the place; for where the *Silver* is, there are the *Suisses*; where the *Carcase* is, there are these *Vultures* gathered together. There's a necessity laid upon them to *Preach the Gospel* there; yea, woe unto them if they *Preach* it not in *Fife* and the *West*, where so many *Rich Traders* and *Heritors* live. But as for the *Highlands*, and other poorer Counties, they have no *Christian* Compassion for them, but let them live and die in *Ignorance* and *Idolatry*, because their *Souls* are not so precious for want of *Silver* and *Gold*. I remember when I was at *London* in 76. I heard a famous *Conventicle-Minister* say, That if it were not for the *Non-conforming-Ministers*, thousands of *Souls* in that *Populous City* would starve for want of the *Word*. I very much wondered to hear him say so; considering how many *hundred Sermons* were *Preached* every week by the *Orthodox Ministers*, and the best, I thought, that ever I had heard. But being the next day in some *Company*, which was *Discoursing* about *Conventicles*, one or two of them began to tell of the great store of *Money* the *Conventicle-Preachers* had in the *Banks*, and how some of them kept their *Coaches*, and he believed it would not be long ere their *Wives* kept their *Chairs*. Then I began to understand the Reason of the great care those *Gentlemen* had to feed the *Souls* of the good *Citizens*; and was very glad that to keep a *Coach* was no longer a sign of *Prelatical Pride*. When I returned home, I told our *Whigs*, that the *Non-conformist-Ministers* of *London* began to keep *Coaches*, but the greatest part of them would not believe me; and those that did, said with sighs, they were sorry, that there were *Diotrephes* among them, that loved the preeminence, and that *God* would have a controversy with them for their *Prelatical Pride*. The like I have seen in a *Preface* to a *Presbyterian Treatise of Divinity*, Printed about that time, wherein the anonymous Author (whose name I have been told) complains of the *Prelatical Spirit*, that began to shew it self among the *Non-conforming-ministers*; whereof some living in great *Plenty*, and *State*, contemned others who were *poor*, and whose lot was fallen in places, where *Persecution* did abound.

The Introduction to the Narrative of Major Weir.

§. 13. In the *Scottish*, which you will call the *English Verses*, you see the *Poet* upbraids their *Baptismal Vow* with the *Covenant*; nor, as I conceive, upon the common account, as another *Poet* may do, but because 'tis the frequent practise of our *Whig-preachers* to *Baptize* the Children of their *Disciples* into the *Solemn League and Covenant*, as well as into the *Covenant of Grace*. He also takes notice of the intimate Familiarity betwixt Mr. *Mitchel*, and *Major Weir*; and unless you will be at the pains to read the *life* of the latter, as well as the former, you'll never be able to understand the *Satyr*, nor know whether the *Satyrists indignation* be just, or unjust. He promise you beforehand, That the *Narrative* shall affect you both with *Wonder*, and *Indignation*; though for the honour of our *Nature*, and *Religion*, I wish no such stories were extant in the *World*. Nay confident I am, that when you have consider'd it in all the circumstances that attend it, you will say, that he who is the subject thereof, was one of the most prodigious sinners that ever was extant of humane race. For there's nothing in *History* comparable to him, nor I hope will ever be; and had not our Blessed Saviour told us, that *Men* may be so wicked, as to sin beyond forgiveness, I could scarce have believ'd that any Man, much less a *Christian*, could have committed uncleanness in all specieses, with *Women*, *Devils*, and *Beasts*.

But such a Monster was this *Pharisee*, of whom I am going to give you an account; which is partly taken out of the publick Register of our *Criminal Court*, and where that cannot relieve me, from common fame, the notoreity of the things related, or the Authority of Persons of known Integrity, and great Reputation in the *World*.

His Birth, Education, and Zeal for the Cause.

He was born, and bred in the Western parts of this Kingdom; which, as it appears from the preceding Narrative, hath ever been the most Fanatical part of our Country, and most disaffected to the King and the Church. There he was early prepossessed with the principles of Schism, and Rebellion, which he shew'd upon all occasions, particularly

particularly in the *beginning* of the late *Rebellion*, wherein he was a *forward stickler*, and by his *extraordinary zeal* for the *Cause*, raised himself to a greater command in some *Troop*, or *Company*, than Men of his *mean Original* use to arrive unto *here*. About the Year 1649. he had the *great trust* of the *Guards* of this *City* committed unto him under the quality of *Major*, and from that time, to the day of his *Infamous Death*, was always called by the Name of *Major Weir*. He behav'd himself in this *Office* with great *cruelty*, and *insolence* towards the *Loyal party*, being very *active* in discovering and apprehending the *Cavaliers*, and bringing them to be *arraign'd*, and *try'd* for their *Lives*. He used to *insult* and *triumph* over them in their *miseries*, and persecute them with all manner of *Sarcasms* and *Reproaches*, when they were led out like *Victims* to publick *Execution*; as many yet *alive* can testify to the *World*. In particular, the *barbarous Villain* treated the *Heroick Marquess* of *Montrose*, with all imaginable *insolence*, and *inhumanity*, when *belay* in *Prison*, keeping him in a *Room* in which was no other *light* than that of a *Candle*, and his lighted *Tobacco*, which he continually *smoked* with him, tho' the *Marquess* had an *aversion* to the *smell* of it above any thing in the *World*. Nay, he would even *disturb* him in his *Devotions*, making his very *calamities* an *Argument*, that *God*, as well as *Man*, had forsaken him, and calling him *Dog*, *Atheist*, *Traitor*, *Apostate*, *Excommunicate Wretch*, and many more such *intolerable Names*. This *cruel manner* after which he used to *outrage* the *poor Royalists*, pass'd among the people for *extraordinary zeal*; and made them consider him as a *singular Worthy* whom *God* had raised up to support the *Cause*. He studyed the *Art of Dissimulation*, and *Hypocrisie*, always affecting a *formal gravity*, and *demureness* in his looks, and *deportment*; and employing a *vast* and *tenacious memory*, which *God* had given him, in getting *without Book* such *words*, and *phrases* of the *Holy Scriptures*, as might serve best in all *companies* to make him pass for an *Holy* and *gifted Man*. He had acquir'd a *particular gracefulness* in *whining* and *sighing*, above any of the *sacred Clan*, and had learn'd to *deliver* himself upon all *serious occasions* in a far more *ravishing accent* than any of their *Ministers* could attain unto. By these and other *Hypocritical Arts* he had got such a name for *sanctity*, and *devotion*, that *happy* was the *Man* with whom he would *converse*, and *blessed* was the *Family* in which he would *vouchsafe* to *pray*.

The Guards of *Edenburgh* put under his command.

His *Cruelty* and *Barbarity* to the *Loyal Party*.

The *Marquess* of *Montrose* being put into his hands, he treats him most *inhumanly*.

He was a great Master of the *Art of Dissimulation* and *Hypocrisie*, and had a peculiar *Grace* in *whining*, &c.

For he pretended to *pray* only in the *Families* of such as were *Saints* of the highest *Form*; inasmuch, that the *Brethren* and *Sisters* of these *Precincts* would strive who should have him to *exercise* in their *Houses*, and of those that liv'd at a greater distance, some would come *forty* or *fifty miles* to have the *happiness* to hear him *pray*. He had indeed, but by *what assistance* will be seen *hereafter*, a *wonderful fluency* in *extemporary Prayer*, and what through *Enthusiastical phrases*, and what through *Extasies*, and *raptures*, into which he would appear *transported*, he made the *amazed* people presume he was *ass'd* by the *Spirit of God*. Besides *praying*, he used to *exhort*, and *bless* the *Families* in which he *prayed*; but he never undertook to *Preach* in them, for fear of invading the *Ministerial Province*; which certainly would have offended the *Kirk*.

It was reckon'd a great happiness amongst the *Brethren* to hear him *pray*; he having acquired a *wonderful fluency* in *Extemporary Prayers*, &c.

After this *manner* and in this *mighty reputation* he lived till the Year 1670. which was the *seventieth Year* of his *Age*. When like the *Tyrant Tiberius*, after so many *murders*, and sorts of *unnatural Lusts*, he was no longer able to endure the *remorse* of his awakened *Conscience*, but to ease the *inquietudes* of his *guilty mind*, was forced to *accuse* himself. That which gave *occasion* to the *rousing* up of his *Conscience* which the *Devil* had *lull'd* into a deep *security*, and excited him to a *reflection* upon his *wickedness* and *guilt*, being something *remarkable*, was this; by *chance* looking into a *Cellar*, he found *drinking* there some *People* which had other *business* at that time to employ themselves about, and gave them a *Religious* check for it; whereupon one of them in *excuse* of himself and the rest reply'd, That he hoped it was no *unpardonable* crime to *drink* with their *old Friend* and *Acquaintance* Mr. *Burne*; at the mention of whose name the *Major* was surprized to that *degree*, that starting back and repeating the name *Burn*, *Burn*, three or four times, he in a very *melancholy* posture retired *home*, and this having made a very great *impression* upon him, he began, to *reflect* how much he had *deserved* for his most *detestable* sins to be *Burnt* in those *eternal* and *unquenchable* *Flames* that are prepared for the *Damned*.

Weir's *guilty Conscience* flies in his *Face*, and makes him *accuse* himself.

You will wonder how so *small* a thing should operate so *strongly* upon so *hardened* and *obdurate* a sinner; but besides that it often pleases God to work *greater* things, from much more *inconsiderable* hints than *this* was; you must know, that he had been *forewarned* to have a great care as he valued his life, of a *Flood*, which signifying with us in Scotland a small *Brook* or *Current*, he was observed never to pass over *one*, but would constantly go about, rather than come nigh the *water*, as many alive can testify. But it seems there was an other signification in the *ambiguous* Oracle he had received, than he dream't of.

He lay'd open the secret to some of his Brethren, that he might be brought to publick Justice. One of them by his Order discovers his Crimes to the Provost of *Edenburgh*, and his Sister.

But the *horror* of his *Conscience* being thus let loose upon him; he was no longer able to conceal the *anguish* and *torture* of it, and therefore lay'd open the *amazing* secret to some of his own party, and desired them to bring him to *publick* Justice to expiate for his *abominable* crimes, but they considering what a *confounding* scandal, and dishonour, the *Hypocrisie* of such an *eminent* Professor would reflect upon the *whole* *Sett*, did with all possible care and *industry* strive to conceal the *Major's* condition, which they did for *several* months; till one of their own Ministers, whom they esteemed more *forward* than *wise*, revealed the secret to the Lord *Abbatshall*, then Provost of *Edenburgh*, who judging humane Nature incapable of such horrid crimes, as the Minister told him, the *Major* had confess'd, concluded he was fallen into a *Phrenzy*, or high degree of *Melancholy*, and therefore *courteously* sent some *Physicians* of his own persuasion and acquaintance to visit him, and *Physick* him for his *distempered* Brain. But the *Physicians* returning to the *Provost*, assured him that the *Major* was in good health, and that he was free of *Hypochondriack* Distempers, and had as sound *Intellectuals* as ever he had, and that they believed his *Distemper* was only an *exulcerated* Conscience, which could not be eased till he was brought to *Condign* Punishment, as with *cryings* and *roarings* he desired to be.

He is seized by the City Guards and sent to Prison, where he confesses his most execrable Crimes.

Afterwards the *Provost* for his further *satisfaction* sent some *Conventicle-Ministers* to enquire into his *condition*, and make a report thereof; who finding it impossible to *disguise* the matter, which was now the *Town-talk*, told his *Lordship* that the *Major* was not affected with *Melancholy*; but that the *terrors* of God which were upon his *Soul*, urged him to confess and accuse himself. The *Provost* thereupon began to conclude, that he had good grounds to take *publick* notice of this affair: and therefore without further enquiry sent the *Guards* of the *City* to seize upon the *Major* and his *Sister*, who was involved in his *Confessions*, and carry them both to the *Publick* Goal, where they were visited by *Persons* of all sorts and Qualities, *Clergy-men*, *Lay-men*, *Physicians*, *Lawyers*, *Conforming* and *Non-conforming Ministers*, who all flocked thither to see this *Monster*, and discourse with him about his *horrible* Crimes.

They are brought to their Trial.

They had not been long in *Prison*, before they were brought to *Trial*, which was on the 9th. day of *April*, in the aforesaid Year 1670. they were tried before that learned *Civilian*, Mr. *William Murray*, and Mr. *John Prestoun*, Advocates, who were made *Judges* by *Commission* for that time. They were pursued by His Majesties late *Advocate*, Sir *John Nisbet*. And the *Fury* by which they were Tried, was *Gideon Shaw*, Stationer; *James Peuderer*, Vintner; *James Thompson*, Felt-maker; *Robert Brown*, Stationer; *James Brown*, Felt-maker; *Robert Johnston*, Skinner; *John Cleghorn*, Merchant; with many more *sufficient* Citizens of *Edenburgh*; most of which together with the *greatest* part of the *Witnesses* hereafter mentioned, are yet alive.

The sum of this Libel, viz. That he had committed Fornication, Adultery, Incest, and Bestiality, &c.

The Court being set, the *Major's* *Libel* was read, the sum of which was contained in these four Particulars.

Primo, That he enticed and attempted to defile his German Sister, *Jane Weir*, when she was but *Ten* Years old, or thereabout, and that he lay with her when she was but *Sixteen* Years old, while they both dwelt in the *Family* with their *Father*; and afterwards had frequent *carnal* dealing with her in the *House* of *Wicket Shaw*, in her *Younger* Years; and lastly, that after she was *Forty* years old, he lived in a state of *Incest* with her, in his *House* at *Edenburgh*, where they dwelt together many Years.

Secundo, That he committed *Incest* with *Margaret Bourdon* daughter to *Mein*, his deceased Wife.

Tertio, That he committed frequent *Adulteries*, during the life of his said Wife, both with married and unmarried Women, and particularly with *Bessy Weems*, his *Servant* Maid, whom he kept in his *House* for the space of *twenty* Years, during

during which time he lay with her as frequently and familiarly as it she had been his Wife.

Quarto, That to his Fornications, Adulteries and Incests, he proceeded to add the unnatural sin of Beastiality in lying with Mares and Cows; particularly in polluting himself with a Mare, upon which he rode into the West Country, near New-Mills, all which crimes particularized in the manner aforesaid, he acknowledged Judicially at the Bar.

The sum of Jane his Sister's Libel, is reducible to these two heads. First to the charge of Incest, which she committed with her Brother. And secondly, to the charge of Sorcery and Witchcraft; but most especially of consulting Witches, Necromancers and Devils; and yet more particularly for keeping and conversing with a Familiar Spirit, while she lived at Dalkeith, which used to Spin extraordinary quantities of Yarn for her, in a shorter time than three or four Women could have done the same. All which she Judicially confessed in the Face of the Court.

The sum of his Sister Jane's Libel viz, that she was Guilty of Incest, Sorcery, and Witchcraft, &c.

Then they proceeded to Swear the Witnesses, which the Lord Advocate called for further Probation against them both. Of these John Oliphant, William Johnston, and Archibald Hamilton, Bailies, i. e. Aldermen of Edinburgh depon'd, That on the Monday preceding the Major's Arraignment, he did freely confess and declare unto them, that he had committed frequent Incests with his Sister Jane; divers Fornications and Adulteries with other Persons; and Beastiality with a Mare and a Cow. Mr. John Sinclair, a Conventicle Minister, depon'd, That the day before his Trial he freely confess'd to him, that he was guilty of Adultery, Incest and Beastiality, that his Sister had been often taken out of Bed from him. Whereupon asking him if he had ever seen the Devil? He answered that he had felt Him in the dark. But as to his conversation with the Devil, the Deponent might have declared more; for he had confess'd to him and many others, particularly to the Lord Bishop of Galloway, then Minister of Edinburgh, that he had lain with the Devil in the shape of a beautiful Woman.

The Testimony of Mr. Oliphant, Mr. Johnston, and Mr. Hamilton, Aldermen of Edinburgh, against the Major.

Margaret Weir, Wife to Alexander Weir, Bookfeller in Edinburgh, testified, That when she was of the age of twenty seven or thereabouts, she found the Major her Brother, and her Sister Jane, lying together in the Barn at Wicket-shaw, and that they were both naked in the bed together, and that she was above him, and that the bed did shake, and that she heard some scandalous language between them; in particular, that her Sister said, she was confident she should prove with Child. Furthermore, she Deponed, that Catherine Cooper, a servant of the Majors, told her, that he had lain with Margaret Bourdon his Wives Daughter, so that she would stay no longer in the Houle.

Mrs. Weir's Evidence.

Ann Wife to James Simpson, Book-binder in Edinburgh, declared, that on the Monday preceding, and that day in the morning, he had confess'd to her, that he had committed Incest with his Sister Jane, and Margaret Bourdon his Wives Daughter; as likewise Beastiality with a Mare in the West-Country, and that he had carnally conversed with his Maid servant Bessy Weems, for two and twenty Years.

Mrs. Simpson's Evidence.

Mr. Archibald Nisbett, Writer to the Signet, declared, That in the Year 51 or 52, it was reported in the Country, that the Pannel had committed Beastiality with a Mare near New-Mills, and that he heard it reported the same day, in which it was said he did the Fact. Mr. John Alexander of Leith, Deponed the same, and said he was then but half a mile from the place.

Mr. Nisbett's Evidence.

After these Depositions, the Major being examined about his Act of Beastiality, declared, That a Gentleman having given him a Mare, he rode upon her into the West Country to see some Friends, and dealt carnally with her near New-Mills, and that a Woman saw him in the Act, and complained of him to Mr. John Nave the Minister of New-Mills; at whose instance he was brought back to the place by some Soldiers, but was there dismissed for want of further Probation. And further being asked about the time, he answered, That to the best of his remembrance, it was when the Lords, Gentlemen and Heritors, were taken by the English at Elliot.

The Major's Confession concerning his Act of Beastiality with a Mare. The Lord Advocate insists upon her own and her Brother's Confessions against Jane Weir.

As for Probation against Jane Weir, the Lord Advocate insisted on her own Declaration, and all the Depositions, in which as a party she was involved. And being asked if she knew any thing concerning the Correspondence that was said to be betwixt the Devil and her Brother; she declared, that she had a long time been jealous of it, but was not certain; and that six or seven Years before she had found a Mark upon

And she is Examined concerning the Correspondence betwixt the Devil and her Brother.

upon his *Shoulder*, like that which is called the *Devil's Mark*, at which she was fore afraid.

The *Process* being thus ended, the *Jury* did unanimously find the *Major* Guilty of *Incest* with his *Sister*, and *Bestiality* with a *Mare*, and a *Cow*, and found him guilty of *Adultery* and *Fornication* by a plurality of Votes. They also unanimously brought in *Jane* Guilty of *Incest* with her *Brother*; whereupon the deputed Judges sentenced him to be strangled at a stake betwixt *Edenburgh* and *Leith*, on Monday following the 11th. of *April*, and his *Body* to be burnt to *Ashes*: and Condemned her to be hanged on the *Tuesday* following in the *Grass-Market* of *Edenburgh*.

Thus far have I given you a judicial Account of the detestable crimes of this Hypocritical Monstrous Man; I now proceed to acquaint you with other particulars, no less surprizing than the former; which upon strict enquiry I have reason to believe to be as true, as those that were judicially proved.

When they were seized, she cautioned the *Guards* to secure a *Lilly-Root*, and to keep him from laying hold on a certain *Staff*, which, she said, if he chanced to get into his hand, he would certainly drive them all out of *Doors*, notwithstanding all the resistance they could make. This *Magical Staff* was all of one piece, upon which were Engraven certain *Symbols*, in the shape of *Centaures*, with a crooked head of *Thorn-wood*: she said he received it from the *Devil*, and did many wonderful things with it; particularly that he used to lean upon it in his *Hypocritical Prayers*, and after they were committed, she still desired it might be kept from him; because if he were once Master of it again, he would certainly grow obdurate, and retract the confessions he had so publickly made. *Apollonius Thyaneus* had such a *Magical Staff* as this, which I am apt to believe was a *Sacramental Symbol* which the *Devil* gave to the *Major*, and the

Court were not without some apprehensions of it, for it was ordered by the *Judges* to be burnt with his *Body*; and it was afterwards observed that his *Body* did not fall into the *Flames*, till that *Staff* had first done so.

When the *Officers* entered his House (which has continued ever since uninhabited) to seize him and carry him to the *Toll-booth*, they found some money in several parcels wrapt up in rags of *Linnen*, which as soon as they came into a *Tavern* not far from thence they put into a bag, and threw the *Clouts* into the fire, where to their very great amazement they circled in a most unusual and extraordinary manner; whereupon one in the company having something wrapt up likewise, which was supposed to be the *Lilly-Root*, that the *Major's Sister* had caution'd them about, cast it immediately into the *Flames*, where circling in the same manner as the *Rags* had done before, it gave a crack like a *Pistol*, sparkling like corns of *Powder* thrown into the fire, and then at it's passing through the *Funnel* of the *Chimney* it gave a report as big as that of a small *Cannon*, to the admiration of all that heard it.

She also confessed in *Prison*, that she and her *Brother* had made a compact with the *Devil*; and that on the 7th. of *Septemb.* 1648. they were both transported from *Edenburgh* to *Musselborough* and back again, in a *Coach* and *Six Horses*, which seemed all of fire, and that the *Devil* then told the *Major* of the *Defeat* of our *Army* at *Preston* in *England*; which he confidently reported in most of its circumstances several days before the *News* had arrived here. This prediction did much increase the high opinion the *People* began to have of him, and served him to make them believe, that like *Moses* he had been with *God* in the *mount*, and had a *Spirit* of *Prophecy* as well as of *Prayer*. But as for her self she said, she never received any other Benefit by her Commerce with the *Devil*, than a constant supply of an extraordinary quantity of *Yarn*, which she was sure (she said) to find ready for her upon the *Spindle*, whatever business she had been about.

Besides the *Bestialities* which the *Major* judicially acknowledged he had committed with the *Mare*, and *Cow*, he confessed he had done the same *Abominations* with three *Species* more; and the *Woman* that delated him for the *Fact* near *New-Mills*, was by order of the *Magistrates* of *Lanerk* whipped through the *Town* by the hand of the *Common Hangman*, as a slanderer of such an eminent *Holy man*.

The *Fornications*, and *Adulteries* which this ἀγορευόμενος (as *Buggerers* are called by the Council of *Ancyra*) Committed with the most *Sanctimonious*, and Zealous Women of the *Sett*, are too numerous to be related here. He had got himself the *Privilege*, under a pretence of *Praying* and *Exhortation*, to go to their *Houses*, and into their *Bed-chambers* when he pleased; and it was his practise

The *Major* had a *Magical Staff*, which he received from the *Devil*, &c.

Rags wherein his *Money* was wrapt, being thrown into the fire, circled there in a most unusual manner. The *Lilly Root* being cast into the flames gave a crack like a *Pistol*, and at it's going up the *Funnel* of the *Chimney* gave a report like a small *Cannon*.

Jane Weir confessed that she and her *Brother* made a compact with the *Devil*, that they were carried in their in a fiery *Coach*, that the *Devil* inform'd the *Major* of the defeat of the *Scotch* at *Preston*, &c. And that the *Devil* used to supply her with *Yarn*.

The *Major* acknowledges that he had committed *Bestiality* with five several *Species*.

Can. 16.

practise to visit married Women at such times especially as their *Husbands* were from home: One especially, who lived in the *Street* called the *West-bow* in *Edinburgh*, he had several times solicited in her *Husbands* absence to gratify his *unclean* desires; till at last wearied out with his *importunity*, she told him how much she *abhorred* his *design*, and *charged* him never to come more to her *House*. Upon this he forbore to visit her for some time, till one *night*, when she was *undressed* and ready to step into *Bed*, the *Major* suddenly appears standing by her, at which she was so extremely *frighted*, that she fell into a *swoun*; she had no sooner recovered, but the *Major* endeavoured to comfort, and assure her, and confirm her against that *strange surprize*; and renewing his addresses, he *Tempted* her with many *Arguments*, and *filthy Speeches*, and *Gesticulations*, telling her he had taken that *marvellous* way of appearing in *private* with her, on purpose to secure her *Reputation*; that he would go out of her *House* in a manner as *invisible* as he came in. But she by this time having recovered her *usual courage* and *strength*, pushed him off with *violence*, and cry'd out for help to her *Maid*, upon which he immediately *disappeared*. The *Windows*, and *Doors* were all close shut; and I make little doubt, but his *Coachman* to the fiery *Coach* conveyed him in and out through the *Chimney*, or perhaps by the *Door*, which the cursed *Familiar* might open and shut again, as well as the *Angel* of the *Lord* did *unlock*, and *lock* the *Prison Door*, wherein the *Apostles* were put.

The Magical Address he made to a Woman in *Edinburgh*, with the fright whereof she died.

As for the *miserable* Woman, she was never well after this *Magical* manner of *Address*, which the *lustful Satyr* made unto her; but immediately fell into a deep *Melancholy*, which ended in a *languishing* Sickness, whereof not many weeks after she died; and when she was upon her *death Bed*, she declared this *strange Story* to many persons yet alive, of great *Integrity*, *Wisdom*, and *Fame*.

I have already told you what an *active* Rebel this *Multiform* Sinner was; but I forgot to tell you, that he was an *eminent* Promoter of the *Western Remonstrance*, in the year 1650. To these principles he stuck as close, as to the *Devil* himself; inasmuch, that when the Government of our Church was restored, he *avowedly* renounced the *Communion* of it, and endeavored to *widen* the *Schism* to the utmost of his power. He could not so much as endure to look upon an *Orthodox Minister*, but when he met any of them in the *Streets*, he would pull his *Hat* over his eyes in a *Pharisaical* kind of *indignation*, and *contempt*.

The Major an eminent Promoter of the *Western Remonstrance*. And always a sworn Enemy to the Government.

§. 14. While he was in *Prison*, he acknowledged his *Hypocrisie*, by which he had *deceived* men, and *mock'd* God; declaring, that in all his *life* he had never *prayed* to God in *private*, nor had any *power* to speak when he attempted to do it; although he had such an *extraordinary* and *charming* utterance in his solemn *Conventicle-prayers*. He also *confessed*, that he never bow'd his *knee* to God at his *own*, or *other* mens *Prayers*; which exactly agrees with his *Sisters* Relation, of his *leaning* at his *Prayers* on his *Magical Staff*, and none of his *own* party can remember that at any *Devotion*, even when he seem'd most *Rapturous*, they ever saw him *kneel*. Nay, furthermore, he *confessed*, which I cannot mention without *horror*, that his *fluency* in *Prayer*, by which he *ravish'd* the *People*, proceeded from the *assistance* of the *Devil*; who, he said, helped him to the *words* and *phrases* in which he expressed himself. This hath given several men several ways of *Conjecture* how it could be done. Some who knew him better than I ever had the unhappiness to do, are of opinion that he was the *Praying-Oracle* of the *Devil*, out of whom he *personally* spoke. The *reason* which they alledge for their *conjecture* is, that sometimes the *sound* of his *Voice* like the *sight* of *Spirits*, had something *unnatural* in it, as if it had not been form'd by the *Organs* of *Speech*.

He acknowledges his *Hypocrisie*, that he had never Pray'd to God in private, nor never bow'd his knee either at his own or other Mens *Prayers*. He ascribes his fluency in *Prayer* to the assistance of the *Devil*. Several conjectures how it could be done.

Others think it reasonable to believe, That he saw all the *words*, and *expressions* in his *Prayer* successively *written* by the *Devil* in the *air*. But upon *enquiry*, I find that he, like most of the *Extemporarians*, commonly *Prayed* with his eyes shut; which if it be true, this *Hypothesis* will never be able to solve those *Diabolical Phenomena* in the *Air*.

Some again think, that the *words* and *expressions* of his *Prayer* were represented by the *Devil* upon the *Stage* of his *Fancy*, after the same manner, as when a man *dreams* he reads such a *Letter*, or *Book*. But he never was affected with any *Consternations*, *Tremblings*, or *Abreptions* of mind, which both in *true*, and *false* *Prophets* were the constant effects of such *strong* and *violent* impressions, as were required to exhibit such un-

wonted Representations upon the Imagination: Nor after his long Prayers were ended were his natural strength or Spirits exhausted, as, if his Devotion had been Visionary, they must have been.

Others therefore considering him as an Apostate from God, and as a Vassal and Apostle of the Devil, think it very agreeable to Divinity, to assert, that he was immediately, but yet without much violence, inspired by the Devil, and helped by him both in the Conception and utterance of his Prayers. This they conceive the Evil Spirit might do, like an assistant form, by impregnating his Fancy with Enthusiastical Conceptions, and thereby rendring his Imagination very turgent, and ready to swell above its banks; which being done by the immediate Operation of the Evil Spirit, the wretched *inspired* could not fail to burst forth in *flumine* Orationis, or a full Torrent of Prayer; and likewise be affected with such moderate Raptures, as yet left him in a condition to understand what he said. Furthermore, to prevent all possible objections, they say, That if God suffered the Devil to counterfeit Prophetical Visions, or the true Spirit of Prophecy under the Law, then they know no reason why it should be thought inconsistent with his goodness, or disagreeable to his infinite wisdom, to permit him under the Gospel, to counterfeit Inspiration, or the true Spirit of Prayer. But for my own part, had not the Monster himself ascribed his fluency in Devotion to the assistance of the Devil, I should have wholly ascribed it to the vigour of his own Enthusiastical Imagination, without any Foreign Force. For not only his fluency in Prayer, but the moderate Raptures, and little extatick fits, into which he was Transported, are explicable by the natural power of unassisted Imagination, as I could make it out by many Examples; and where a natural cause alone is sufficient to account for any effect, I am always sparing to joyn with it a supernatural Cause.

While he was in Prison he lay under violent apprehensions of that heavy wrath of God.

He would not permit any-body to pray for him but uses several desperate expressions, nor could be brought to entertain any thoughts of repentance, imagining himself to have sinn'd beyond the possibility of pardon. He endeavours to persuade himself, there was no God. Being admonished not to despair of Gods Mercy. He answer'd, That his Damnation was Sealed in Heaven, and that if a single wish would save him, he had not power to make it.

All the while he was in Prison, he lay under violent apprehension of the heavy Wrath of God, which put him into that which is properly called Despair, a Despair which made him hate God, and desist from Duty to him, and with which the Damned Souls in Hell are reasonably supposed to be constantly affected. In this sense he was desperate, and therefore would admit neither Church, nor Conventicle-Ministers to pray for him, or Discourse with him about the Infinite Mercy of God, and the possibility of the forgiveness of his Sins, crying out to them, *Torment me no more before my time, I am Tormented enough already.* Much less could he endure to be exhorted to Repent, or be brought to entertain any thoughts of Repentance, telling all the World, that he had sinned himself beyond all possibility of Repentance, and Pardon; that he was already Damnd, that he was sure his Condemnation to Eternal Burning, was already pronounced in Heaven, and that the united Prayers of all the Saints in Heaven, and Earth would be vain, and insignificant, if they were offered to God in his behalf. So that when some charitable Ministers of the City, by name, the present Bishop of Galway, and present Dean of Edinburgh, were resolved to Pray before him for his Repentance, and Pardon, against his consent, he was with much difficulty withheld from interrupting of them in their devotions, and the posture he put himself in when they began to pray, was to lye upon his Bed in a most stupid manner, with his Mouth wide open; and when Prayers were ended, being ask'd if he had heard them and attended to them, he told them, *They were very troublesome, and cruel to him, and that he neither heard their Devotion, nor cared for it, nor could be the better for all the Prayers that Man or Angels could offer up to Heaven upon his account.*

It was his Interest to believe there was no God; and therefore to ease the torments of his mind, he attempted now and then to comfort, and flatter up himself into this absurd belief. For he was sometimes observ'd to speak very doubtfully about his existence; in particular to say, *that if it were not for the terrors which he found tormenting him within, he should scarce believe there was a God.*

Being with great tenderness and compassion besought by one of the City Ministers, that he would not so resolutely destroy himself, by despairing of God's Mercy, which upon Repentance had been granted to Murderers, Adulterers, Sodomists, Beastialists, nay, to those that had denied Christ; he replied in anger, *Trouble me no more with your beseeching of me to Repent, for I know my sentence of damnation is already seal'd in Heaven; and I feel my self so hardened within, that if I might obtain Pardon of God, and all the Glories of Heaven, for a single wish that I had not committed the sins, with the sense whereof I am so tormented, yet I could not prevail with my self to make that single wish.* And were your Soul in my Soul's stead, you would find your exhortations

tions impertinent, and troublesome, for I find nothing within me but blackness and darkness, Brimstone, and burning to the bottom of Hell. I have been told by very credible Persons, that the Body of this unclean Beast gave manifest tokens of its impurity, by the erection of his Yard, and emission of Seed, as soon as it began to be beated by the Flames; and certain it is, that after it was burnt, a report was presently sent from hence to the Brethren in the West, that the Malefactor, who was burnt for such execrable crimes, was not Major Weir, but another Person who exactly resembled him, and whom the wicked Prelates and Curates had bribed to personate the Godly Major, (who was said to be gone with a contribution to the exiled Brethren in Holland) and call himself by his name. This report was believed in the West, for several Months, till time discover'd that the Major was no more.

As for Jane, this incarnate Devils Sister, she was very insensible of her great sins, and was so far from remorse of conscience for them, and despairing of the mercy of God, as she did, that she presum'd too much upon it; placing a great deal of confidence in her constant adherence to the Covenant, which she call'd in her Brother Mitchel's style, *the Cause and Interest of Christ*. She confess'd indeed, as he did, that her sins deserv'd a worse death than she was condemn'd to dye; but she never shew'd her self in the least concern'd for what might ensue after death. On the morning of her execution, she often told the Minister who assist'd her with his Prayers and advice, in order to the fitting her for the next World, that she was resolv'd to die after the most shameful manner she could, to expiate for her shameful and Ignominious life; which he understanding to be by an ingenuous Confession of her sins and wickedness, contrary to what her Brothers obstinacy and despair had made him do, he as often encouraged to persist in so good a resolution. But when she came upon the Ladder, instead of what was expected, she bespake the People in the following words, *I see a great croud of People come hither to day to behold a poor old miserable Creatures death, but I trow there be few among you, who are weeping and mourning for the broken Covenant*. And having so spoken she prepared in great haste to strip her self naked; and then and not before were the sense of her words relating to the shamefulnes of her death understood, but the Executioner perceiving her design, resolv'd to prevent her, and she struggling with him to put her Cloaths off that she might hang naked, he was forced to throw her off the Ladder with greater haste, than was fitting for a person, who was no better prepared for another World.

I could tell you many more remarkable stories of our Fanatick Zealots, that have been put to death for lying with Beasts, and other unnatural crimes. One not many years since was put to death at Sterling, for committing uncleannes with five Individuals, among which there were four species of irrational Animals; and immediately before his Execution, the unclean Wretch protested against the Prelates, and boasted of his constant zeal for the Covenant; and so without declaring any detestations of his crimes, or desiring the people to pray for him, went off with all assurance into the other World. I should not have related any of these stories, with reflection on the Schismatical party, but that nine parts in ten of the horrid sins, such as Witchcraft, Bestiality, and Incest, are found among them; which hath occasion'd a Proverbial Sarcastim in our Language against them, *that the Whigs go to Heaven a Gate of their own*. This is no Hyperbole, but a plain Historical Truth, which our Judges can testify, and which may be confirm'd by the Registers of our criminal Courts.

And then as for Adulteries, and Fornications, those common failings of these Pharisees; there are more of them committed, and more Bastards born within their Country, the Western Holy-Land than in all our Nation besides. This is evident, from comparing the Parish-Registers, and the Registers of the Presbyterys or Rural Deaneries of those Shires, with the rest of the Parish, and Presbtery Registers in every Diocess of the Church. Nor very long since in a Parish within the Presbtery of Paisley, there were no fewer than 17 Whigs, who did publick Penance for Fornications and Adulteries, at one time. The Parish is very disaffected; so that on that Lords-day, wherein this Herd of Goats did stand in the Seat of Publick Repentance; there were but two Regular Persons, besides the Minister and Precentor in the Church. I know you are already wondering, that Fanatical Sinners will do Penance in the Kirk, which is as serious, and solemn a piece of Worship, as any belongs to the Service of God.

His body gave manifest tokens of its impurity as soon as it began to burn.

No sooner was he burnt, but a report was spread abroad, that it was not the Major but one like him.

His Sister Jane doubts not of her Salvation, because of her constant adherence to the Covenant.

Her strange resolution to hang naked on the Ladder, she becomes Advocate for the Broken Covenant.

The Whigs famous for Bestiality and other unnatural crimes.

Concerning their Bestialities, *vid. pag. 33, 34, 35.* Of the Spirit of Popery, &c.

Adultery and Fornication more frequently committed in the West among the Whigs, than in all Scotland besides.

At one time in one Parish 17 Whigs did Penance.

Therefore

The reason
why the
Whigs patient-
ly submit to
this Ecclesia-
stical censure.

Therefore to *unriddle* the Paradox unto you, be pleas'd to take notice, That if any Fornicator, Adulterer, &c. contumaciously refuse to submit to Church-Censure, his Majesty's Advocate is to pursue him before the Supreme Judicature, or Lords of the Session; who upon Evidence of his Contumacy, issue out Order for having him declar'd the King's Rebel; that is, to be solemnly denounc'd an Out-Law, with the sound of an Horn. After the Horning, (for so we call the Denunciation) Letters of Caption, are direct against him; so that if he be taken, he must be put in Prison; and although he be not, he forfeits his Personal, and the Annual Revenues of his real Estate, and becomes altogether *ἀνεκώμωτος*, as Theophilus the Greek Civilian calls Slaves, and Minors, and all that are Civilly dead. Hence an Out-law is almost in the same Condition with us, as *Deportatus in Insulam*, was among the Romans; he is incapable of all Civil Employments; he has no Head in Law: He can make no Will, or Testament of his own; nor receive any Benefit by any other Man's. So that our Whigs, (like yours, who will be Married by the Common-Prayer) choose rather to mock God, and offend their tender Consciences sometimes, than forfeit their Liberty, and Estates.

A Parallel
drawn between
the Whigs and
Gnosticks in fe-
veral particu-
lars.

§. 15. I am very well satisfy'd in my own Conscience that I have done nothing against the strictest Rules of Christian Charity, in discovering the impious Principles, and Practises of this Sect: I have done it upon the same grounds and motives, that the Ancient Fathers publish'd the Wicked Lives and Opinions, of the more primitive Hereticks; particularly of the Gnosticks, who were the Archetype of our Whigs: And the Parallel in most Particulars runs so exact between them, that I cannot abstain from comparing them together.

First then as the Gnosticks were so call'd from *γνῶσις* or Knowledge falsely so call'd; and boasted, that they were the most Knowing, although they really were the most Ignorant of the Christian Religion of any Sect in the World: So our Whigs stile themselves the Knowing Christians; and look upon us, who adhere to the Church, but as ignorant, silly, formal People, that understand not Gospel Mysteries, but are spoil'd after the Tradition of Men, after the Rudiments of the World, and not after Christ. Secondly, As the Gnosticks pretended to understand the Scriptures better than all other Christians; and yet did most absurdly and blasphemously interpret them, as Epiphanius hath shew'd in many particulars: So our Whigs pretend to this gift, as their own peculiar Talent; and yet interpret the Word of God as absurdly to make it comply with their wicked Opinions; as the Gnosticks did to make it countenance theirs, Mr. Mitchel's Papers are full proof of this Charge, besides the Books I mention'd before. Thirdly, As the Gnosticks spoke *μεγέθυς*, or mighty high things of Simon Magus, equalling him with God: So our Whigs speak big-swalling words: of Baal-Berith, or the Solemn-League and Covenant; to which they ridiculously apply, whatsoever is said of the Covenant of Grace, which God made with Abraham; and of that Political Covenant which he made with the Jews; and of the counterpart of it; which the Jews, or any of their Kings made, and renew'd with God; baptizing their Children into it, as into the Covenant of the Gospel, and making it the cause, and Interest and Truth of Christ.

In the fourth place, as the Gnosticks pretended to be Christians; and yet in many things comply'd with the wicked Jews, and joyned with them in raising Persecution against the Church: so our Whigs pretend to be the purest Protestants in the World; and yet in many things are real Papists, and now joyn most cordially with them to overthrow both our and your Church; which the Papists, acknowledg to be the strongest Bulwarks against themselves, that are in the Protestant World.

In the fifth place, as the Gnosticks contumeliously used the Apostles and Presbyters of the Primitive Church, hating them with the Malice of Cain, and gain-saying them among the People after the impudent manner of Corah, and opposing them, as James and Ambrose did Moses and Aaron: So our Whigs treat our Reverend Clergy with all imaginable contempt and Barbarity; hating our Bishops with a Mortal hatred, calling their Government an Usurpation over God's Heritage; and rail at His Majesty, and all other Magistrates that support them; binding and re-binding themselves by a Solemn Oath, to extirpate the Apostolical Function, though in doing of it they should shed an Ocean of Protestant Blood.

To proceed, as the *Gnosticks* were raging *waves* of the *Sea*, i. e. a *fierce, tumultuous*, and *troublesome* People; so are the *VVhigs*; As they *despised Dominions*, and *spoke evil of Dignities*, so do the *VVhigs*; as they were *murmurers* and *complainers*, so are the *VVhigs*, who by their *Principles* can never be *satisfied* with any *concessions*, nor *obliged* by any *favours*; but must *murmur* and *complain* against *Moses* and *Aaron*, as long as there's a *King* and *Bishops* in the *Land*.

Furthermore, as the *Gnosticks* scorn'd and despised the *Orthodox Christians*, and *Separated* from them, calling them *Carnal*, but themselves *Spiritual Men*; and yet were *Sensualists*, *defilers* of the *Flesh*, and like the *Sodomites* and *Gomorrbeans*, given to *unnatural Lusts*: So our *Modern Pharisees* scorn us, calling us *Carnal*, or at the best, but *Moral Men*, and while they pretend to be *Holier* than the *People* that adhere to the *Church*, they fall into *all sorts of Impurities*, to the great *scandal* of the *Protestant Name*. I could run the *parallel* in more *particulars*, but I remember I am *writing* a *Letter*, wherein a *Man* is not bound to *exhaust* his *Subject*, but rather to *hint*, than to *write*. And I need not *suggest* unto you, that I am not so *uncharitable*, as to conclude every *individual* among our *VVhigs* in this *comparative Character*, for doubts, there are many *well meaning People* among them; but you must understand me so, as our *Saviour* is to be understood, where he describes the *general Hypocrisie* of the *Pharisees*, among whom notwithstanding were many *Sincere* and *Pious Men*.

In this *sense* it was that *St. Paul* charg'd the *whole Nation* of the *Cretians*, with the *Character* of one of their *Old Poets*, That they were *Lyars*, *evil Beasts*, and *slow Bel-lies*; and for my own part, I believe that among the *Gnosticks* themselves, there were a *considerable* number that lived free from those *portentous Sins*, with which *St. Jude* and *Epiphanius* charges the *Sett*.

§. 16. I Am now drawing near the end of this *tedious Historical Letter*, in which I hope I have made you *ample* amends for my *six Months silence*, for which you *chid* me again in your *second Letter*, which I received by this *days Post*. You also tell me in it what *Tragical Stories* are Reported at *London*, concerning the *present unhappiness* of this *Kingdom*, and the *Tyrannical Administration* of *Affairs* therein. In particular you say, 'tis Reported by some of our *own Countrey-men*, that the *Nation* is *enslaw'd*, that there is nothing amongst us but *Plunderings*, *Burnings*, *Murders*, *Ravishing of Women*, and all other sorts of *devastation*, which hath made *considerable Persons* fly the *Countrey*, particularly *D. H.* who, I assure you, came to *Town* from his own *House* but three or four days ago. You also tell me, there are Reports of a *Secret Correspondence* betwixt the *Duke of Lauderdale* and the *Viscount of Granard* on the *Maritime Borders*, whose *real design*, they say it is, to advance the *Presbyterian Interest*, all that hath already been done under his *Grace's Conduct* against them, being nothing but for *shew* and *pretext*. I need but desire you to *recollect* what I have already written concerning the *occasion* of our *present Disorders*, and the *Faction* that supports the *Schism*, to make you *divine* from what *Original* these *lying Stories* proceed, and for what end they *disperse* them about the *World*.

I imagine by this *time* you are very *weary*, but though you be, you must put your self to the *Penance*, I always *enjoy* you to read my *Letters* once for the *Author's* sake, as well as for *your own*. You know I came to *England* the last time upon no other *account*, but to *learn* the *Language*, and promised to keep *Correspondence* with you upon this *Condition*, that you would make *Remarks* upon my *Letters*, and faithfully *Admonish* me of all the *Scotisms*, or all the *Words* and *Phrases* that are not *current English* therein. I confess I have a great *Veneration* for our own and the *Northern English Language*; upon the account of the † *Anglo-Saxon*, to which they are so nearly *Ally'd*; but yet I think it *prudence* to observe that Rule in *Macrobius*, *Loquere cum presentibus verbis, præteritis moribus vive*. And therefore am as *ambitious* to write *Modern English*, as any *Gascon*, or *Provencal* can be to write the *Modern French*.

You may *communicate* this *Letter* to as many of your *Friends* as you please; but you must take care to *conceal* my *Name*, lest if it be known, I pass for an *Enemy* to

the People of God; and thereupon another *Mitchel* send me out of the World for a *Canaanite* or *Egyptian* with a brace of Bullets, or a *Durke*. The *Narratives*, I humbly conceive, are very profitable to be *known*: One of them affords an excellent *Example* of counterfeit *Zeal*, and the other of *Hypocrisie*, or *Pharisaism*; which from the beginning of *things* hath always been the most *Powerful Engine*, which the *Corrals* of all *Ages* and *Nations* have used to draw the *Multitude* into *Faction* and *Schism*. Besides, the *knowledge* of these things will move all good *Christians* to pity the *miserable condition* of our *Church*, and to *pray* for her both to *God* and the *King*, and likewise *undeceive* all *ingenuous Spirits*, that have had the *unhappiness* to be *misguided* by the false *Informations* which our *Fanaticks* send to *yours*. There is a more *strict* and *Mysterious* Correspondence betwixt them, than the present *pains*, in which I write, will permit me to *relate*. But by *that time* I come next to *London*, I shall be able to *discover* the *Cabala* unto you, which I shall better talk in *half* an hour, than write in *many days*. In the mean time let us *love*, *honour*, and *remember* one another with *pleasure* and *respect*: Let us *pray* for the *improvement* of our *Church*, the *preservation* of *yours*, and *serve* them both in our several *stations* to the utmost of our *Power*.

I have no more to add, but to desire you to *remember* that my *Style* is *Advocate*, and not *Counsellor at Law*; there's almost none here knows what that *Title* means; So that the *Post-Master* kept your last *Letter* a week, before he could imagine it was Directed to

Edenburgh, March
the 5th. 1677.

Your most Faithful,
and Obedient Servant.

N. N.

FINIS.

A N A P P E N D I X, C O N T A I N I N G

An exact Relation of the Proceedings be-
fore the *Lords of Articles, &c.* against *Charles*
Maitland of Halton, Treasurer Depute, for
Perjury, in having given a false Testimo-
ny at the Tryal of *James Mitchel*.

I Doubt not but every one will have as great a curiosity as, I had, to inform himself of the *Proceedings*, before the *Lords of Articles*, in the late *Parliament* at *Edenburgh*, against the Lord *Halton*, in relation to the *Evidence* he gave at the Tryal of *Mitchel* which you will find in the 13 page of the foregoing Narrative.

Now, that I may not seem to impose upon the faith of my Reader, nor prevaricate with him, I have thought fit here to subjoin a full Account of that *Affair* from the *Records* themselves, that so Authentick a relation being given of it, there may remain no umbrage or pretence, of charging the Tryal of *Mitchel* with *Injustice*, which has more than once been attempted, but upon so slender and weak grounds, that even the *Authors* of those aspersions, have been ashamed of their impotent endeavours to calumniate the *Government* in that particular.

And indeed any man that has but read the 14 and 15 pages of that Tryal, cannot but look upon it as matter of wonder, that any one should have the confidence to assert so gross and palpable a falsehood, as *Mitchel's* Assurance of life upon condition he would confess, is there most unquestionably proved to be: For upon the whole matter, for any thing that there appears, every impartial man must conclude the pretended Order of Council, to have been (to speak very softly) a manifest mistake. Since so many noble Lords did deny by the great Oath they had taken their knowledge of any such Assurance, given him, whose Testimony one would think ought to outweigh the bare assertion of so profligate a Villain as *Mitchel* was; especially if it be considered, that he had no other way left to save his neck, and that it can be no strange thing, for such a man to tell a lie to save his own life, that had ventured his eternal salvation so freely to rob another man of his.

But tho' neither in reason or Justice, the Prisoners solitary Allegation could avail him any thing against so clear and sacred testimony to the contrary, yet there wanted not some who did not stick to charge that impartial proceeding with *Injustice*; but this calumny being raised and supported upon so weak a basis, as the pretended Order of Council which was indeed not only inconsistent with truth, but itself too, and carried on by the clamours of a few wretches notoriously disaffected to the Government, both of Church and State, fell of it self into air and was resolved into its primitive nothing.

But to see the endless and restless malice of that implacable party, when one would have thought there was as little apprehensions of trouble from that scandalous report as from *Mitchel's* Ghost, My Lord *Halton*, Treasurer Depute, having by his too violent Zeal (as they are pleased to call it) for his Majesties Service: and eager

prosecutions

prosecutions of the *Fanatics*, contracted the *immortal* enmity, and malice of that party, was charged with *perjury*, before the Lords of the *Articles*, in the *Evidence* He gave, at the *Trial* of *Mitchel*. A particular Account of which *Accusation* you have here, with his Lordships Answer to it, and the *Resolution* of His R. H. High Commissioner, and the Lords of the *Articles* thereupon: And how far upon the whole matter his Lordship is *guilty* or *innocent*, is left to every *impartial* and *unprejudiced* man to consider.

A Parliament being *summon'd* and *holden* at *Edenburgh* the 28. day of *July*, 1681. by His Royal Highness, the Kings High Commissioner, on the day of *William Noble* of *Denotter*, did deliver the following *Petition*, or *Accusation*, into the hands of the *Lord Register*, to be by his Lordship presented to his R. H. and the Lords of the *Articles*.

To his Royal Highness, His Majesties High Commissioner, and Right Honourable the Lords of the *Articles*,

It is humbly Represented,

That, Whereas the deceased Mr. James Mitchel, being convened before the Justices, for attempting to assassinate the late Arch-Bishop of St. Andrews, and his Confession before the Duke of Lauderdale, his Majesties Commissioner for the time, and the Lords of Privy Council being adduced in modum Probationis, against him, the said Mr. James proponed this Defence, that his Confession was emitted upon promise and Assurance of life made to him, for proving whereof he did Adduce, Charles Maitland Lord Thesaurer Depute, as a witness, who deponed negative, Notwithstanding that by Letters under his hand directed to the late Earl of Kincardin, He expressly writes, That the said Mr. James had confessed upon assurance made to him of his life. And that he now thought that his Punishment would be the loss of his right hand, which Perjury will be clearly proven by production of the said Letters and Deposition; For which it is humbly, craved a Warrant may be granted, against the havers for exhibition of the same, And that the Lord Thesaurer Depute may be declared Infamous and suffer the other Pains appointed by Law in such Cases.

Sic Subscribitur,

W. Noble.

The Letters which the *Petition* refers to and upon which the whole *Accusation* is founded are these two that follow, both sent to my Lord of Kincardin.

Hely-rood-House, 10. Feb. 1674.

"This afternoon yours came which should have come this morning, so that the Post is now more regular.

"I read it all, and it is a full Account, of all passages, I hope shortly we may find matters grow better, and indeed there is great need of it here, for at present we are out of joynt. Saturday last in the morning Information was given that one Mr. James Mitchel, who was alleadged, to have shot at the A. B. of St. Andrews was discovered by Sir William Sharp, and being seen to come down, Sir William's own Close by Sir William and two of his Brother's footmen. he called to Mitchel and carried him back to his house (the Signet Office.) He had a long Iron Pistol and a short Sword about him, in Shoes and Stockings; and tho' he was so armed, yet he did not resist, tho' none came up to him but Sir William alone, till he came up his Stair; Being asked his name he denied it, and varied in several other of his Answers, and by Warrant of the Chancellour, was committed close Prisoner. This day, he was examined by Order of Council, by the Chancellor, Register, Advocate and me; The Commissioner had ordered us to charge him with his being in the rebellion, and that he was excepted by name out of the Act of Indemnity, and so let him see his condition to be led to Execution; This was done very soon and against his next Examination

"he

"he confessed his being with the Rebels, but deny'd this Assassination of the A. B. yet acknowledged his being *there* at that time, and that the Pistol he was taken with he had bought at that time: so it was moved by one That the Chancellor might take him apart to see what he would then say; This being done, upon Assurance of life, he fell upon his knees, and confessed it was He that shot the Bishop of Orkney, and which he aimed at the A. B. and here is his Confession, the Double of it signed by Him, the Chancellor and us, his Punishment it's thought, will be the loss of his right hand, and condemned to perpetual Imprisonment in the Bast. I think, I told you before, that his Grace had retrenched his Allowance, to 100 pound Sterling a day since the 10th, tho' his charge be little retrenched, for his Table holds yet 24. persons, I hope when matters are over, you will give us some Account, of his Majesties pleasure about the *Miners Affairs*, wherewith ye know their friends have been sufficiently reproached without any shadow of reason. And so my Good Lord Adieu.

Holy-rood-house 12 Febr. 1674.

This day Mr. Mitchel who assassinated the A. B. of St. Andrews, was again examined in face of the Council, and said nothing but what he said to us of the Committee; he is remitted to the Justice Court, to receive his Indictments and sentence to have his right hand cut off at the Cross of Edinburgh and the forfeiture of his whole goods and posterity, this last part is not to be put in execution till his Majesty be acquainted, because assurance of his life was given him upon his Confession. The cutting off his hand is to be executed by the hand of the Hangman.

The Deposition which is pretended to be contradictory to what is delivered here in these two Letters, from whence Perjury is infer'd, you have already had in the 13. page of the precedent Narrative, which I shall not trouble my self or my Reader to repeat over again here; but refer him thither for it.

But I cannot but take notice and not without wonder neither (which was also observed by his R. H. and the Lords of the Articles) under what a soft and gentle title Mr. Noble, was pleased to mention Mitchel, in the foregoing Accusation [The Deceased Mr. James Mitchel] a term any one but He, surely would have thought very unbecoming and improper for one that had been deservedly executed for a Traitor and Assassin, who ought not to be so much as thought on, much less mentioned without horror and a just detestation of his damnable crimes.

But to proceed, this Petition being read, the Lord Treasurer Depute desired that he might have it delivered to him in common form, and might have Liberty to put in his Answer to it; and became further a humble and earnest Suitor to their Lordships that he might be put to a Speedy Tryal, whereby he might make his Innocence appear to the Parliament, and the whole world, which his R. H. and the Lords of the Articles were pleased to grant, not because they found any thing in the accusation relevant against him, but that they might gratifie his Lordship's earnest desire, of being put upon his Tryal. Afterwards William Noble, was called in, who own'd his Accusation, and did again sign it in presence of his R. H. and Lords of the Articles, and being asked by the President of Parliament the Marquês of Atholl, if he knew the Lord Treasurer Depute, or was acquainted with him, he answer'd no; being then interrogated how he came to accuse his Lordship upon the head of Perjury, or whether it did fall within his proper knowledge, or whether he did ever see the Lord Treasurer Deputes Letters or Deposition; he replied no, but that he was so informed, and that he was induced to do it as a member of Parliament and being thereupon asked who he received his Information from, he refused to make any reply to that question.

Presently after this the Lord Hales put in his answer, to the Information, exhibited against him, which is as followeth.

Whereas It is represented, that Mr. James Mitchel in his Tryal, having alleged that his Confession was emitted upon assurance of life and having adduced the Treasurer Depute as a Witness in his Exculpation for proving the same, he deponed Negative, notwithstanding by a Letter under his hand to the Earl of Kincardine, he asserts that he had confessed upon Assurance of life, which he Offers to prove by the *Missive* Letter now produced, and therefore concludes

" concludes that the *Treasurer Depute* is guilty of *perjury* and ought to be declared *Infamous* and Subjected to other *Legal* penalties there-*anent*.

" It's answered that this accusation is neither *Relevant* nor *proven*, for as to the *Relevancy*, *Perjury* being a high *Crime* is not to be *presumed* against any man, much less a person of so high *Quality* and *Office*, except the *deeds* inferring the *Perjury* were of *Knowledge* and directly *contradictory*; And to infer *Perjury* must not only be *deposition*, contradicting another *deposition* which is upon the *Matter* false, because a man may *depone* an *Error*, *bona fide* through *forgetfulness*; but *Perjury* must be a *false deposition* against ones *Knowledge*: And so he must be *Sciens & volens*. So that two *Oaths* after the *Interval* of four years (which is the *distance*, between the *Letter* and *deposition*) suppose they had *contradicted*, yet in *Charity* (a person of *entire fame* might be excused from *Perjury*;) But where the *Contradiction* is only *alleged*, betwixt a *transient Missive Letter* of *News* and an *Oath* emitted four years after the *date* of the *Letter*, no *Rational* man can think that albeit these did *contradict*, it could infer *Perjury* but only an *Error* or *mistake* in the *Missive Letter*, and the *writing* of a *Missive* upon *Mistake* or *design* tho' it were produced to a *party* when he is called to *depone*; if he were *convinced* that he had been *mistaken* in his *missive*, he be*ho*ved, to *depone* according to his *knowledge*, and the *truth*, tho' that *contradicted* his *Letter*, which can never infer the least *insinuation* of *Perjury*, suppose the *Letter* had been *obligatory* and *serious*; whereas this *Letter* was only an *overlie* *indigested* account of *News* and *unsubscribed*.

" 2. As the *Accusation* is no ways *relevant*, so it is not all *proven*; because both the *Letter*, and the *Oath* are *consistent*, in so far as *Mitchel* being examined before a *Committee* of the *Council* in the *Treasury Chamber*, he did deny the *attempt* of *assassinating* the *Primate*; but thereafter the *Chancellor* having retired with him to the *Council Chamber*, after a little time they did *return*, and *Mitchel* did *confess* the *Attempt* before the *Committee* and some days after *reiterate* that *Confession* before the *Council*; and it was *generally* reported, and until the *Chancellor* de*poned* the *contrary*, it was *universally* believed that the *Chancellor* had *given* him *assurance* of life *privately*; But it neither is *probable* that *Assurance* was promised by the *Committee* or *Council*, nor did *Mr. James Mitchel* assert it in his *Trial*, and therefore the *Universal Report* that *Assurance* was given *privately* was a *sufficient* foundation for the *Treasurer Deputes* *Letter*; But when he came to be examined in the *Exculpation* whether he heard *assurance* given him, suppose he had all the grounds of *Credibility*, yet he could not *depone* that he *heard* assurance given, except he had been *Ear-witness* to the *promise*; and by his *Letter* that appears *impossible*; for it bears, that it was *moved* that the *Chancellor* and *Mitchel* should *retire*, and *this* being done upon *Assurance* he *confessed*, so that the *Assurance* related in the *Letter*, was not given in the *Committee* or where the *Treasurer Depute* was *present*, but where the *Chancellor* had retired with *Mitchel* in the *Council Chamber*; and the *Treasurer Depute* is so *cautious* in his *Deposition* that he *restricts* it to two *precise* times, viz. when *Mitchel* *confessed* in the *Committee*, and when he *renewed* his *Confession* before the *Council*; and he *depones* that being *present* at these two times, he heard neither *assurance asked* nor *offered*; so that albeit, at any other time *assurance* had been *given* him, it doth not at all *contradict* the *Oath*; and it had been *Perjury*, if the *Treasurer Depute* had de*poned* *Affirmative*, tho' he had heard the *general Surmise*, or tho' this *Letter* written upon the *faith* of that *Report* or *Rumor* had been in his *hand*. And in this case the *Treasurer Deputes* *Deposition* being a *concurring* *Testimony* with *Several* other *Persons* of the greatest *Eminency*, *Trust* and *Integrity* in this *Kingdom*, some whereof de*poned* in *relation* to their *proper* fact and who were only *pretended* to have given the *Assurance*, His *Oath* can never be *suspected* without the greatest *Reflection* upon the *considerable* part of the *Kings* *Principal* *Ministers*.

" From all which it is evident that this *Accusation* is a most *unjust*, *calumnious*, and *scandalous* *Libel* to which the *Accuser* hath been *bounded* out tending to *diminish* the *Confidence* of the *Leiges* and *Subjects* to his *Majesties* *Officers* of *state*, and there-
by *wounding* his *Majesties* *Authority*, and *Weakening* his *Government* by such *presumptuous* *Attempts* against his *Ministers*, and it is *humly* hoped and expected from his *R. H.* and the *Lords* of the *Articles*, That Since the *Letter* founded upon, doth not in the least *instruct* the *irrelevant* and *illegal* *Accusation* which is only *probable*

by

"by writ, according to our Law, That therefore the *Treasurer Depute* may be "vindicated and assailed from this false and infamous Libell, and that the *Calumniator* "may be punished by being declared infamous, and otherways in his Person and Goods, "according to the demerit of his Crime, and to the Terror of others.

This Answer being given in by my Lord Halton, it was so full and clear, that unless some other trick, were found out, the Lords of the Articles could not but immediately proceed to give their Judgment in favour of his Lordship, Mr. Noble, therefore who had before restrain'd his proof of the Accusation to those two Letters written to my Lord of Kincardin, and to which the Answer refer'd, that he might bony up his sinking cause, as long as he could, was pleased by a second Petition, to desire that Witnesses might be Summoned in, and the Registers of the Council and Justice Court produced to prove the Contents of his accusation; And the *Treasurer Depute* still pressing for a fair Tryal, The Articles, before they would give Answer, allowed him to condescend upon all the Sederunts of Council, and all the members of Council at that time when Mitchel was examined at several Dyets, and craving further several other Witnesses to be examined, and the said Registers to be produced, this being again considered by the Articles, The *Treasurer Depute* begged leave to answer for himself, and for his Defence, said;

"1. That in Law, no man's Letter can invalidate his Oath, even tho' it contradict his Oath, but that His Letters are consistent with his Oath, being diversly related, and to divers times and circumstances.

"2. That Nobles Accusation having restricted the manner of Proof to Halton's Letters only, He could not now refile from that, without giving in a new formal Accusation against him; And tho' the sense of his own Innocence, had induced him to press a legal Tryal, yet he could not consent to suffer his Accuser to shift himself off, by proposing new and illegal Methods of Probation to procure delay.

"3. That the Crime of Perjury could not be inferred but by Contradictory Oaths, which could not be alledged against him in this case.

"4. That the Crime of Perjury by the Law of Scotland, was not probable, nor could be proven by Witnesses, but by writ only, and that especially by Oaths contradicting one another.

"5. That in this case his Oath did conclude that He did not hear Mitchel ask assurance of Life, or any Person give it Him, and that therefore no Witness could swear, that Halton heard the Assurance given to Mitchel, unless his Ears had been fixed in that Witnesses Brain, which is impossible, and unless they swore so, it would not prove this or any crime against him; and tho' it were possible to prove he heard assurance given, yet after so long time he might have forgot.

"6. The *Treasurer Depute* was a concurring Witness with the late Chancellor, the late Murthered A. B. of St. Andrews, the Duke of Lauderdale, and the now Bishop of Edinburgh, and tho' Witnesses were allowable in this case, as they were not, yet they cannot be led against these Persons deponing with him in Mitchels Tryal, who are either dead or Absent; Besides that what they might be presumed to swear be what it will, would rather rake into the Graves and Ashes of those Noble Persons, now Dead, than militate any thing against the *Treasurer Depute*.

"7. As to any Register craved to be produced, that can operate nothing, unless they contain Papers signed by the *Treasurer Depute*, and must be Oaths Contradictory, and which ought particularly to be condescended upon, and are not so much as alledged and if they were, Mr. Noble may get extracts as other Subjects do. But however, He submitted himself to His R. H. and their Lordship's Determination.

Upon this His R. H. and the Lords of the Articles, having fully considered the Accusation and the Letter, upon which it is founded, and also the Lord *Treasurer Depute's* Answers and His Deposition, concurring with the Depositions of the Lord Chancellor, A. B. of St. Andrews, and Duke of Lauderdale, His R. H. was pleased to say in the Articles, that He did not see how He, being the Kings Commissioner, could give way to any such Accusation against one of his Majesties Servants and Officers of State, or that any such matter should come to a Tryal, unless it had been the *Treasurer Deputes* own earnest Desire. And that now their Lordships having seen and considered the whole matter, it was fit for them to consider what was to be done: Whereupon the Lords of the Articles Declared their sense of the *Treasurer Depute's* Innocence in this Crime of which he was accused, and they did humbly offer to his

R. H. that He would be pleased to *transmit* the whole *Affair* to His Majesty and submit the same to His *Royal Consideration*, to the end His Majesty might *Declare* His *Royal Pleasure*, both for the *Treasurer Depute's* Vindication, and *punishing* the *Accuser* according to the *pains* usually by *Law* inflicted in such *cases*.

Having thus *clearly* and *shortly* stated the *Case*, as to the matter of *Fact*, with all the *concomitant* Circumstances, and also inserted the true *Copies* of all the *Papers* relating to this *Affair* (except one that follows) from Authentic Transcripts of the *Originals* and *Records*, it will not be improper in the next place, to make some *general* Remarks upon the *Accusation* it self. But before I proceed to that, it will be convenient to set down the *Copy* of *Mitchels* two *Confessions*, because of the use I intend to make of them.

Edinburgh, 10 Febr. 1674.

In the Presence of the Lord Chancellor, the Lords Register, Advocate, and Treasurer Depute.

MR. James Mitchel being called before the Committee and Examined as to his *Accession*, to the *Rebellion* in the year 1666. acknowledges he was in that *Rebellion*, and joyned with them at the *Burgh* of *Air*, and stayed with them until the night before *Pentland*, at which time, at the *Desire* of *Captain Arnot*, he came into *Edinburgh* to speak with one *Mr. James Sterline*, and *Mr. Robert Ferguson*, and the *Laird* of *Penzerie*, who were then in *Edinburgh*, anent an *Address* to be given in to the *Council*, in behalf of those in the *Rebellion*, Declares he was in *Edinburgh* and stayed in the house of *Griffel Whytford* in the *Cannon Gate*, before he went out, and having notice from *Col. James Wallace*, *Capt. Arnot*, *John Lindsay*, and one *William Young*, from whom he brought a *Horse*, went out of *Edinburgh*, about eight a *Clock* at *Night*, and immediately rode towards *Air*, and joyn'd with those that were there in the *Rebellion*. Declares, that it was in the *House* of one *Widdow Robison* in *Curries Close* that he spoke with *Penzerie*.

Sic Subscribitur,
James Mitchel.

Rothes.
A. Primrose.
Jo. Nisbet.

Edinburgh, 10 Feb. 1674.

IN Presence of the Lord Chancellor, Lords Register, Advocate, and Treasurer Depute *Mr. James Mitchel* Prisoner being called did freely confess, He was the *Person* who shot the *Pistol* at the *Arch-Bishop* of *St. Andrews*, when the *Bishop* of *Orkney* was hurt thereby in the year 1668. And Depones upon Oath that no living *Creature* did persuade him to it, or was upon the knowledge of it.

Sic Subscribitur,
James Mitchel.

Rothes.
A. Primrose.
Jo. Nisbet.
Ch. Maitland.

IN the first place therefore it may be considered, that no man is Obligated to swear more than falls within his own knowledge, and this Examination of *Mitchels* before the *Privy Council* having preceded his *Criminal* Process before the *Justice Court* at least four years, in which process the *Treasurer Depute* was cited as a *Witness* for *Mitchel* in his *Exculpation*, it is no strange thing to see a man's memory fail him upon particular Circumstances and words after so long an *Interval* of time, and all *Lawyers* allow *Quod Jurans falsum credens jurare verum excusatur à Perjurio*, i. e. a man swearing a thing in it self false, which he really believes to be true is excused from *Perjury*; Besides there is one very remarkable circumstance, not yet taken notice of, to demonstrate that the *Treasurer Depute* knew nothing of any assurance, or promise of Life alledged

alleged to have been given, for in *Mitchel's* first examination before the Committee, appointed by the Council, viz. the Lord Chancellor, the Lords Register, Advocate, and Treasurer Depute, wherein he acknowledges the Rebellion, and after which he acknowledged and confessed by falling down upon knees to the Lord Chancellor in the Council Chamber, That it was He who shot at the A. B. of St. Andrews (as He says) upon promise of life, altho the Treasurer Depute's name be marked in the *Sederunt* yet his subscription is not at that Paper, but only the Lord Chancellors, the Registers, and the Advocates, which must most infallibly prove that His Lordship was neither present nor heard him get such promise of Life.

It is true indeed, the Treasurer Depute in his Deposition, depose that he heard Mr. James Mitchel make that Confession wherein he owned himself to be the Person that shot at the Primate. That he saw him sign it, and that the Treasurer Depute signed it also himself. But then it is as true, that the Treasurer Depute came not into the Committee till after they had perswaded Mitchel to confess, and that then He sign'd his later confession about the Attempt upon the A. B. with the rest. For one of these two must needs be, That either the Treasurer Depute was not present when the assurance was given, (if any such thing was at all,) or else that his Confession, of his being at the Rebellion in 1666. and his Confession of Assassinating the Arch-Bishop were not both in one day, for this reason, because the Treasurer Depute, did subscribe that Confession relating to the Assassination of the Primate, and not the other, and it is notoriously known by all, that Mitchel was but once before the Committee, and that at that very time he made both these Confessions, as appears by the Dates, and unless the Treasurer Depute had been absent at the writing of the first Confession, he would certainly have sign'd it. And the Treasurer Depute's Deposition so exactly agreeing with the evidence of the Lord Chancellor, the A. B. of St. Andrews, and the Duke of Lauderdale, who were all three known to be men of great integrity and honesty, how is it possible his Lordship should have any remembrance of any Assurance given, when their Lordships deny'd upon Oath their knowledge of any such thing, two of which Lords are since dead.

As to the Letter upon which Mr. Nobles Accusation is founded, it is to be considered, that the Treasurer Depute writing (as appears by the Letter) to the Earl of Kincardin at the Command of the Duke of Lauderdale then the King's Commissioner it may very well be supposed that what He writes is not as from himself, but at the command of another; and nothing is more ordinary than for a man in a missive Letter to set down his own inclinations as a thing resolved upon, and it is very probable, that the Duke of Lauderdale, then the Kings Commissioner, and most of the Privy Council had really an Intention to interceed with his Majesty for Mitchel's life, provided he would have made such discoveries, as would have deserved so great a favour, and that they were thinking privately among themselves, that his Punishment should be only the loss of his right hand, which is all that can be fairly drawn from the Treasurer Depute's letter, and it is a strange unheard of thing that a man should be thought guilty of Perjury, upon a seeming Contradiction betwixt a missive Letter of News, and when a man solemnly swears upon his Oath; And there want not Precedents before the Session in Civil Causes wherein the Lords have refused to admit, that a man's Letter contradicting his Deposition posterior to it, could infer Perjury against Him as in the Case of Mr. John Eleis of Elifoun against the Heirs of the Earl of Dirloun, wherein the Lords ordained Letter to be cancelled, and that it was not relevant to countervail his Deposition. But in this case the Treasurer Depute's Letter and Oath are both consistent, and may be both very true; for not to urge any more, that his Lordship's Letter was written 4 years before he deposed upon his Oath, and that no missive letter can countervail any man's Deposition especially when there is such a difference of time, betwixt them; 'tis manifest that the Treasurer Depute's Letter related only to what was reported to have passed betwixt the late Chancellor and Mitchel after the Chancellor took him apart from the Committee to the Council Chamber. And it is as evident, that his Oath and Deposition in Mitchel's Tryal, relate to what pass'd in the Committee, after the Chancellor with Mitchel returned to them, and to what pass'd at the next meeting of Council, where the Duke of Lauderdale then Commissioner was present, and so consequently neither relate to one and the same thing, nor to one and the same time.

In the next place it may not be unworthy of consideration, That information be-
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ing given by some of the *Members* of the *Articles*; That Mr. Noble, had by the *Advice* of his *own* friends, without the *knowledg* of my Lord Halton, subscribed a *Paper* wherein he *renounced* and *retracted* his *Accusation*, and that he had shown the same to John Campbell of Succoch Commissioner for Argyle-shire after it was subscribed by him before *Witnesses*: He at first was pleased to think fit to *deny* it, but being immediately *Confronted* with the said Mr. Campbell before the *Articles* he then *confessed* He had shown that *Paper* subscribed by him to that Gentleman, by which a man may easily conjecture at the *Nature* of both his *Accusation* and *Accuser*.

But to draw to a period, as all I have already said has most abundantly acquitted my Lord Halton of the *guilt* of *Perjury*, so there is one thing still not altogether unworthy to be remarked which takes away all *Colour* and *Pretence* of any *Assurance* that was given Mitchel by any one whatsoever, so as to induce him to confess, for in the very *Confession* it self, subscribed with his *own* hand, and attested by the *Honourable* Lords of the *Committee*, it is said that He confessed his *design* to murder the A. B. freely; now if he did it freely, I would gladly be informed, how it could be omitted upon promise of *Pardon*, for I cannot apprehend that there is any *Difference* as to the *freedom*, between a *Confession* drawn from a man out of the *fear* of death, and that which is made upon *assurance* of life; if so, he could not be said freely to confess, which yet he doth, and that under his *own* hand, in the most *Solemn* manner imaginable, so that upon the *whole* matter it doth evidently appear that the *Assurance* of life was nothing more than bare and groundless pretence, whereby he thought either to save his neck or at least to excite a commiseration in the People at the *hardness* of his *Case*; which might, if it happened to make *impression* upon them, create a *jealousie* and *heart-burning* in them towards the *Government*, and at all times serve to charge *injustice* and *partiality* upon the *Kings Ministers*.

And thus I have given a full and clear Account of all the *Proceedings* against the Lord Treasurer Depute, which I have rather chosen to place here by the way of *Appendix*, than, if it had come timely enough to my hands, to interrupt the *series* of the preceding Narrative, by a story of this length, and I question not but every unprejudiced reader will upon serious consideration of the whole, conclude with me, that never a more groundless charge was laid against any man than the Lord Treasurer Depute in the foregoing Accusation, of which he has acquitted himself with success equall with the greatness of his *Innocence*, and that never Tryal was more evenly or fairly managed or carry'd on with greater moderation and impartiality than this of Mr. Mitchel's of which you have had so large and so faithful a Relation.

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